

DEVELOPMENT CONTROL COMMITTEE

MONDAY 6TH JANUARY 2014

**AT 6:00PM
IN COMMITTEE ROOM 2
AT THE COUNCIL HOUSE
DUDLEY**

If you (or anyone you know) is attending the meeting and requires assistance to access the venue and/or its facilities, could you please contact Democratic Services in advance and we will do our best to help you

**MANJIT JOHAL
DEMOCRATIC SERVICES OFFICER
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You can view information about Dudley MBC on
<http://www.dudley.gov.uk/>**

IMPORTANT NOTICE MEETINGS AT THE COUNCIL HOUSE

Welcome to the Council House

In the event of the alarm sounding, please leave the building by the nearest exit. There are Officers who will assist you in the event of this happening, please follow their instructions.

There is to be no smoking on the premises in line with national legislation. It is an offence to smoke in or on these premises.

Please turn off your mobile phones and mobile communication devices during the meeting.

Thank you for your co-operation.

DEVELOPMENT CONTROL COMMITTEE

Let me first inform you that this is a Committee Meeting of the Council, members of the public are here to observe the proceedings and should not make contributions to the decision-making process.

THE CHAIRMAN will announce:-

- "The following procedure will be observed:
- The site visit reports will be taken first.
- The applications with public speaking will be taken next, in numerical order.
- The officer will make a brief presentation on each public speaking item. The identified objector will then be called by name and will have no more than 3 minutes to speak. The applicant or agent will then be invited to reply and again will have no more than 3 minutes. Will speakers please make sure that they do not over-run their time. (A system of lights will operate - green when the speaker starts, amber after 2½ minutes and red at 3 minutes).
- After public speaking on each application, the item will be thrown open for discussion by the Committee. There will be no questioning by Members of objectors, applicants or agents, who will not be able to speak again.
- The Committee will make a decision on each item in turn - to approve, refuse or defer.
- The remaining applications will then be taken in numerical order."
- All those attending this Committee should be aware that additional papers known as the "Pre-Committee Notes" are placed around the table and the public area. These contain amendments, additional representations received, etc., and should be read in conjunction with the main agenda to which they relate. They are fully taken into account before decisions are made.

Our Ref: MKJ060114	Your Ref:	Please Ask For: Mrs M Johal	Telephone No: 01384 815267
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18th December 2013

Dear Councillor

DEVELOPMENT CONTROL COMMITTEE

Monday 6th January 2014 at 6.00 p.m.

You are requested to attend a meeting of the Development Control Committee to be held on Monday 6th January, 2014 at 6.00 p.m. in Committee Room 2 at the Council House, Dudley, to consider the business set out in the agenda below.

The agenda and public reports are available on the Council's Website www.dudley.gov.uk and follow the links to Councillors in Dudley and Committee Management Information System.

Yours sincerely



Director of Corporate Resources

AGENDA

1. APOLOGIES FOR ABSENCE

To receive apologies for absence from the meeting.

2. APPOINTMENT OF SUBSTITUTE MEMBERS

To report the appointment of any substitutes for this meeting of the Committee.

3. DECLARATIONS OF INTEREST

To receive declarations of interest in accordance with the Members' Code of Conduct.

4. MINUTES

To approve as a correct record and sign the minutes of the meeting held on 9th December 2013.

5. PLANS AND APPLICATIONS TO DEVELOP (PAGES 1 – 265)

6. ADOPTION OF THE MEMBERS AND OFFICERS CODE OF CONDUCT – PLANNING MATTERS (PAGES 266 – 310)

To consider a report of the Director of the Urban Environment.

7. TO ANSWER ANY QUESTIONS UNDER COUNCIL PROCEDURE RULE 11.8 (IF ANY)

Distribution:

To all Members of the Development Control Committee

A Ahmed	Casey	J Martin	Perks	Roberts
Mrs Westwood	C Wilson	Wright	Zada	

AGENDA INDEX

Please note that you can now view information on Planning Applications and Building Control Online at the following web address:

(Upon opening this page select 'Search for a Planning Application' and when prompted input the appropriate planning application number i.e. P09/----)
<http://www.dudley.gov.uk/environment--planning/planning/online-planning-and-building-control>

PLANS AND APPLICATIONS TO DEVELOP

Pages 1 – 15	P13/1311 – Unit 3, Conyers Trading Estate, Station Drive, Lye, Stourbridge – Use of Premises as a Waste Transfer Station (OSG)
Pages 16 – 20	P13/1340 – 98 Vicarage Road, Wollaston, Stourbridge – Dropped Kerb
Pages 21 – 28	P13/1605 – 105 Birmingham Street, Stourbridge – Part Change of use from Car Wash to Car Sales and Storage of Cars (Retrospective)
Pages 29 – 41	P13/1640 – Hayley Group PLC, Site 2 (Hayley), Shelah Road, Halesowen – Installation of 4 No Air Conditioning Units and Associated 2M High Acoustic Fencing (Retrospective)
Pages 42 – 61	P13/1654 – Dudley Market, High Street, Dudley – Redevelopment of Dudley Market Place to Replace Existing Stalls with new Market Stalls, Storage Facility, Traders Toilet and Pump Room Building and Provision of Temporary Stalls during the Phased Development
Pages 62 – 71	P13/1674 – Dudley Market Place and Castle Street, Dudley Town Centre, Dudley – Variation of Condition 3 of Planning Approval P13/0643 to be Revised to 'No Closure or Demolition of the Toilet Block and Store Shall Take Place Until a Permanent Replacement Public Toilet Facility and a Temporary Store within Dudley Town Centre has been Provided and is Fully Operational'
Pages 72 – 79	P13/1680 – Island at Tansey Green Road/Stallings Lane, Dudley – Display 3 No Non-Illuminated Sponsorship Signs
Pages 80 – 86	P13/1681 – Island at Queensway/Hagley Road, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs

Pages 87 – 94	P13/1682 – Island at Stourbridge Road and Furnace Lane, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs
Pages 95 – 102	P13/1683 – Island at Dudley Road and Mucklow Hill, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs
Pages 103 – 110	P13/1684 – Island at Wolverhampton Road and Holbeache Road, Wall Heath – Display of 3 No Non-Illuminated Sponsorship Signs
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Pages 119 – 126	P13/1686 – Island at Mil Street/Mount Pleasant, Brierley Hill – Display of Non-Illuminated Advertisement Signs
Pages 127 – 133	P13/1687 – Island at Mucklow Hill/Long Lane, Halesowen – Display of Non-Illuminated Advertisement Signs
Pages 134 - 141	P13/1688 – Manor Way, Dudley – Display of Non-Illuminated Advertisement Signs
Pages 142 - 149	P13/1689 – Island at Dudley Road/Waterfront Way, Brierley Hill – Display of Non-Illuminated Advertisement Signs
Pages 150 - 158	P13/1690 – Island at Birmingham Road/Tipton Road, Dudley – Display of Non-Illuminated Advertisement Signs
Pages 159 - 167	P13/1691 – Island at Blackacre Road/ Southern Bypass, Dudley – Display of Non-Illuminated Advertisement Signs
Pages 168 - 176	P13/1692 – Island at Cinder Bank/Blowers Green Road, Dudley – Display of Non-Illuminated Advertisement Signs
Pages 177 - 185	P13/1693 – Island at Stourbridge Road and Dudley Southern Bypass, Dudley – Display of 4 No Non-Illuminated Sponsorship Signs
Pages 186 - 194	P13/1694 – Island at Kingswinford Road and Pensnett Road, Dudley – Display of 4 No Non-Illuminated Sponsorship Signs
Pages 195 - 202	P13/1695 – Island at Himley Road and Milking Bank, Dudley – Display of 3 No Non-Illuminated Sponsorship Signs

Pages 203 - 210	P13/1696 – Island at Heath Lane and Worcester Street, Stourbridge – Display of 3 No Non-Illuminated Sponsorship Signs
Pages 211 - 219	P13/1697 – Island at Thorns Road/Caledonia, Quarry Bank, Brierley Hill – Display 3 No Non-Illuminated Sponsorship Signs
Pages 220 - 227	P13/1698 – Island at Ham Lane/Wollescote Road, Stourbridge – Display 4 No Non-Illuminated Sponsorship Signs
Pages 228 - 235	P13/1699 – Island at Hagley Road/Ham Lane, Stourbridge – Display 4 No Non-Illuminated Sponsorship Signs
Pages 236 - 244	P13/1700 – Island at Mucklow Hill/Sylvan Green, Halesowen – Display of Non-Illuminated Advertisement Signs
Pages 245 - 252	P13/1701 – Island at Manor Lane/Spies Lane, Halesowen – Display of 4 No Non-Illuminated Sponsorship Signs
Pages 253 - 257	P13/1752 – 6 and 8 The Vista, Sedgley – Crown Thin 2 Lime Trees by 20% and Crown Lift
Pages 258 - 265	P13/1781 – McDonalds, Bromsgrove Road, Halesowen – Variation of Condition 3 of Planning Application P10/1001 to be Revised to “The Premises Shall Not be Open to the Public Before 0600 Hours on any Day Nor After 2300 Hours on any Day”

DEVELOPMENT CONTROL COMMITTEE

Monday 9th December, 2013 at 6.00 pm
In Committee Room 2, The Council House, Dudley

PRESENT:-

Councillor Zada (Chair)
Councillor Casey (Vice-Chair)
Councillors A Ahmed, J Martin, Perks, Roberts, Mrs Westwood, C Wilson and Wright

OFFICERS:-

Mr I Hunt, Mrs H Martin, Ms J North, Mr P Reed, (all Directorate of the Urban Environment), Mrs G Breakwell and Mrs M Johal (Directorate of Corporate Resources)

53 **DECLARATIONS OF INTEREST**

In accordance with the Members' Code of Conduct, Councillor C Wilson declared a non-pecuniary interest in the following:-

Planning Application No P13/1317 (38 Ferndale Park, Pedmore, Stourbridge) as he knew the objector and he took no part in the discussion in considering the application.

Planning Application No P13/1448 (8 Redlake Drive, Pedmore, Stourbridge) as he knew the objector and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

Planning Application No P13/1453 (36 Swindell Road, Pedmore, Stourbridge) as he knew the objectors and he withdrew from the meeting during consideration of the application and rejoined the meeting following its consideration.

54 **MINUTES**

RESOLVED

That the minutes of the meetings of the Committee held on 18th and 25th November, 2013, be approved as correct records and signed.

PLANS AND APPLICATIONS TO DEVELOP

A report of the Director of the Urban Environment was submitted on the following plans and applications to develop. In addition, where appropriate, details of the plans and applications were displayed by electronic means at the meeting. In addition to the report submitted, notes known as Pre-Committee notes had also been circulated updating certain of the information given in the report submitted. The content of the notes were taken into account in respect of the applications to which they referred.

The following persons referred to had indicated that they wished to speak at the meeting and, unless indicated, spoke on the planning applications:-

Plan No P13/1317 – Ms C Taylor – an applicant

Plan No P13/1395 – Mr D Jones – an objector (on behalf of Mr and Mrs Struebig) and Mrs Smith – an applicant

Plan No P13/1443 – Ms V Rotheram – an applicant

Plan No P13/1453 – Mr R Harris – an objector

Plan No P13/1566 – Mr Colwell – an objector and Mr Westwood – an agent/applicant

Plan No P13/1596 – Mr K Taylor – an objector

- (i) Plan No P13/1317 – 38 Ferndale Park, Pedmore, Stourbridge – Part A – Fell 1 Lime Tree; Part B – Fell 2 Pine Trees

Decision:

1. That Part A of the application to fell 1 Lime Tree be refused for the reason as set out in the report submitted.
2. That Part B of the application to fell 2 Pine Trees be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (ii) Plan No P13/1395 – 121 Cotwall End Road, Sedgley, Dudley – Single Storey Front and Rear Extensions

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted.

- (iii) Plan No P13/1443 – 131 Howley Grange Road, Halesowen – Part A: Front Canopy Roof (Retrospective); Part B: Provision of Decking in Rear Garden (Retrospective)

Members noted the comments made by the applicant in that the reason that the canopy was designed to be so far out was because she used it as a shelter to park two prams and she informed Members that she had received positive comments from neighbours as she had been asked for details of the builder on several occasions.

In considering the application Members were of the view that the design was not incongruous and that there was no demonstrable harm.

Decision: That Part A and Part B of the retrospective application relating to the front canopy roof and provision of decking in the rear garden be approved, subject to conditions to be agreed by the Director of the Urban Environment.

- (iv) Plan No P13/1453 – 36 Swindell Road, Pedmore, Stourbridge – Single Storey Storage Shed in Rear Garden (Retrospective)

Decision: Refused for the reasons as set out in the report submitted and that the Director of the Urban Environment be authorised to take Enforcement Action for the removal/relocation of the structure.

- (v) Plan No P13/1566 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Erection of 4 No Dwellings on Existing Car Park and Garden to Existing Public House (Resubmission of Withdrawn Planning Application P13/1115)

Decision: Approved, subject to conditions, numbered 1 to 11 (inclusive), as set out in the report submitted.

- (vi) Plan No P13/1596 – Ketley Quarry, Dudley Road, Kingswinford – Variation of Condition 1 of Planning Approval 97/50322/C2 to Revise Phasing of Bund 4 Construction from 2015 to 2014

Decision: That the application be approved.

- (vii) Plan No P13/1182 – Land to Rear of Ashleigh House, 2 Ednam Road, Dudley – Erection of 11 No Apartments

Decision: Approved, subject to conditions, numbered 1 to 4 and 6 to 18 (inclusive), as set out in the report submitted together with the replacement of condition 5 and additional conditions, numbered 19 and 20, as follows:-

5. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, prior to the commencement of development details of the types, colours and textures of all the materials to be used on the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Details/samples of the type, texture, colour and bond of the bricks to be used and a sample panel measuring not less than 1m² shall be erected on site and approved in writing by the Local Planning Authority. Key plans to cross reference the materials to the building facades will be required to clearly explain the use and type of material. The panel shall be retained on site for the duration and the development and thereafter new brick work shall only be constructed in accordance with these approved details. The development shall be carried out in complete accordance with the approved details.
19. Notwithstanding the details shown on the submitted plans, prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed materials to be used in boundary treatments at the site. This should include details of colour, texture and type of external brickwork and details of colour and type of railings and gates. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
20. Notwithstanding the details shown on the submitted plans and stated in the submitted Design and Access Statement, development shall not begin until full details of all the windows and doors and their material, finish/colour have been submitted to and approved in writing by the Local Planning Authority. Large scale architectural drawings (at 1:1, 1:2 or 1:5) and sections and profiles of jambs, heads, sills, glazing bars and headings together with their relationships to masonry apertures shall be provided.
- (viii) Plan No P13/1194 – 2 The Limes, Lyddington Drive, Halesowen – Part A – Fell 1 Birch Tree (T2); Part B – Fell 2 Birch Trees (T1 and T3)

Decision:

- (1) That Part A of the application to fell 1 Birch Tree (T2) be refused for the reason as set out in the report submitted.

(2) That Part B of the application to fell 2 Birch Trees (T1 and T3) be approved subject to conditions, numbered 1 and 2, as set out in the report submitted.

(ix) Plan No P13/1273 – 4 Stonefield Drive, Pensnett, Brierley Hill – Fell 2 Sycamore Trees

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

(x) Plan No P13/1329 – 41A King Street, Wollaston, Stourbridge – Convert Flat 3 of Existing Building into 2 No Flats

Decision: Approved, subject to conditions, numbered 1 to 3 (inclusive), as set out in the report submitted, together with an additional condition, numbered 4, as follows:-

4. Within 2 months of the date of this permission, details of the type and location of the retractable barriers to be installed within the two car parking spaces opposite the main car parking area shall be submitted to and agreed in writing by the Local Planning Authority. These two parking spaces shall be allocated for the use of the occupiers of flats 3A and 3B as noted on submitted plans 541/11H for the lifetime of the development. The agreed scheme for the retractable barriers shall be installed prior to the occupation of flats 3A and 3B and then remain in place for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

(xi) Plan No P13/1343 – Land Adjacent to the Rear of 84/86 Lyde Green, Halesowen – Outline Residential Development (all Matters Reserved)

Decision: Approved, subject to the following:-

(1) The applicant entering into a Section 106 Agreement for 25% onsite provision of affordable housing and a management and monitoring fee.

(2) The completion of the Agreement no later than 3rd January, 2014, and in the event of this not happening, the application being refused, if appropriate.

(3) Conditions, numbered 1 to 18 (inclusive), as set out in the report submitted, together with additional conditions, numbered 19 to 22, as follows:-

19. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority;
- 1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in 2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in 3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

20. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

21. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

and that the Director of the Urban Environment be authorised to amend the foregoing conditions as necessary.

- (xii) Plan No P13/1370 – 14 Brandon Road, Halesowen – Erection of Outbuilding in Rear Garden (Resubmission of Refused Application P13/0560)

Decision: Approved, subject to conditions, numbered 1 to 4 (inclusive), as set out in the report submitted.

- (xiii) Plan No P13/1433 – 43 Gospel End Street, Sedgley, Dudley – Fell 1 Blue Cedar Tree

Decision: Approved, subject to conditions, numbered 1 and 2, as set out in the report submitted.

- (xiv) Plan No P13/1448 – 8 Redlake Drive, Pedmore, Stourbridge – Single Storey Front, Side and Rear Extensions (Following Demolition of Existing Utility Room and Carport) with Raising of the Roof and Alterations to the Roof-Space to Create Habitable Rooms at First Floor Level

Decision: Approved, subject to receipt of no further objections raising additional material planning considerations by the 12th December, 2013 and to conditions, numbered 1 to 6 (inclusive), as set out in the report submitted.

- (xv) Plan No P13/1562 – Land on Balds Lane, Lye, Stourbridge – Change of use from B2 (General Industry) to Dismantling and Storage of Cars (Sui-Generis) with Access and Parking and 2.4M High Wire Grill Fencing to Balds Lane Elevation. Erection of Storage/Office Unit and Portable WC (Resubmission of Part Refused Application P13/0620)

Decision: Approved, subject to conditions, numbered 1 to 16 (inclusive), as set out in the report submitted.

- (xvi) Plan No P13/1567 – The Albion Inn, 382 Albion Street, Wall Heath, Kingswinford – Change of use from Public House (A4) to 1 No Dwelling (C3) with Elevational Changes to Include Door, Window and new Garage Doors

Decision: Approved, subject to conditions, numbered 1 to 5 (inclusive), as set out in the report submitted.

The meeting ended at 7.45 pm.

CHAIR

PLANNING APPLICATION NUMBER:P13/1311

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr Colin Smith, Ecology Waste Solutions Ltd
Location:	UNIT 3, CONYERS TRADING ESTATE, STATION DRIVE, LYE, STOURBRIDGE, DY9 8ER
Proposal	USE OF PREMISES AS A WASTE TRANSFER STATION (OSG)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a former railway goods building approximately 800m² in size, which has been converted into an industrial building. The building is also identified as a heritage asset.
- 2 The building retains a number of original features although it has been extended and has been subject of some alterations.
- 3 The access to the site and the adjoining yard demonstrates the former railway goods yard use as they are surfaced in setts, with concrete replacing the sections where railway tracks were originally located.
- 4 The application site adjoins a number of industrial buildings, the majority of which are occupied and which are generally more recent than the application premises.
- 5 To the rear of premises is the Birmingham to Stourbridge railway line which has further employment uses beyond.
- 6 Access to the application site is from Dudley Road via the car park and access to Lye railway station.

PROPOSAL

- 7 This is a planning application to change the use of the building from a card board manufacturing plant (Use Class B2) to a waste transfer station (sui generis).
- 8 The applicants have advised that they will be seeking to collect material in their own vehicles, and that this will generally consist of plastics, card, paper and glass. The material would then be sorted within the building, formed into bales and then dispatched and processed elsewhere.
- 9 The applicant has stated that they initially intend to use a 7.5 tonne lorry and a smaller van for the collection of the waste material in the locality.
- 10 The collected material would be sorted by hand from a slow moving conveyer belt located within the building.
- 11 The applicant intends to recover at least 80% of the material. The material which cannot be recycled would be compacted on site using the applicants own 25 cubic yard compacting unit.
- 12 The applicant intends to process up to 10,000 tonnes of waste material per year and provide nine full time jobs.
- 13 No external changes are proposed to the building.
- 14 The operation will also be subject of the Environment Agency permitting regime.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
CC/77/1230	Change of use of existing railway buildings to offices Store warehouse and manufacturing uses.	Granted	16/06/77
84/50700	Change of use from railway goods yard to storage and Distribution of railway sleepers new & used cartons	Granted	24/05/84

PUBLIC CONSULTATION

15 3 letters of objection received, following consultation with 27 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issues raised:

- Concerns with regard to fire at site
- Previous cardboard manufacturing plant at site was subject of a fire
- Yard could be used for open storage
- Noise dust and odour concerns
- Unsuitable HGV access
- Site more suited to residential use
- Loss of habitat
- Use not suitable adjacent to a railway station

16 In addition one letter of no objection been received

OTHER CONSULTATION

17 Group Engineer (Development): No objection subject to conditions.

18 Head of Environmental Health and Trading Standards: No objection.

- 19 Environment Agency: No objection. The use will require an environmental permit. The imposition of a condition relating to drainage is also requested.
- 20 West Midlands Fire Service: No objection.
- 21 Network Rail: Red line to site location plan includes network rail land. Access to the site is over network rail land and consent may be required. Land adjoins operational land and the applicant will need to put in place fire precaution / mitigation measures. A further email was received on 16 December 2013 withdrawing this objection.

RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012)

Planning Policy Statement 10: Planning for Sustainable Waste

- Black Country Core Strategy (2011)

CSP1 The Growth Network

DEL2 Managing the Balance between Employment Land and Housing

TRAN2 Managing Transport Impacts of New Development

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 8 Air Quality

WM1 Sustainable Waste and Resource Management

WM2 Protecting and Enhancing Existing Waste Management Capacity

WM4 Locational Considerations for New Waste Management Facilities

WM5 Resource Management and New Development

- Unitary Development Plan (2005) (Saved Policies)

DD1 Urban Design

DD5 Development in Industrial Areas

NC1 Biodiversity

NC6 Wildlife Species

HE5 Buildings of Local Historic Importance

EP1 Incompatible Land Uses

EP3 Water Protection

EP7 Noise Pollution

- Supplementary Planning Guidance/Documents

Historic Environment Supplementary Planning Document

Planning Obligations Supplementary Planning Document (2011)

Design for Community Safety Supplementary Planning Guidance

Parking Standards Supplementary Planning Document (2011)

ASSESSMENT

22 The main issues are

- Policy
- Design and Historic Environment
- Neighbour Amenity
- Highway Safety
- Nature Conservation
- Other Issues

Policy

23 The application site is located within Black Country Core Strategy (BCCS) Regeneration Corridor 13 Jewellery Line – Rowley Regis – Stourbridge Junction. Within this corridor, the application site is located within an indicative area identified as: '*Opportunity for around 225 new homes near to Lye centre and station*'.

24 Noting the above, BCCS Policy WM4 Locational Considerations for New Waste Management Facilities is applicable and states (in terms of proposed enclosed waste management facilities) that '*locations proposed for change to housing should be avoided*' and refers to BCCS Policy DEL2 Managing the Balance between Employment Land and Housing in this regard.

- 25 Policy DEL2 states (in terms of areas identified for housing) a position to: *'Resist new development where this may restrict the regeneration of the area by virtue of the scale and nature of operations, traffic generation and other amenity considerations'*.
- 26 Given the above planning policy considerations a waste management proposal at this location (identified for future residential land use) should ordinarily be recommended for refusal under BCCS Policies WM4 and DEL2.
- 27 However a material planning consideration is that Housing proposals on employment land within the identified Regeneration Corridors are anticipated to only come forward towards the end of the BCCS plan period that extends to 2026 (BCCS Appendix 2 page 112 refers).
- 28 In addition the application site is currently surrounded and hemmed in by directly adjacent industry and the railway track – giving rise to potential amenity and access issues which likely reduce the site's attractiveness to housing developers, at least in the short term.
- 29 The proposal reasonably satisfies a number of the assessment criteria for new waste management facilities set out under BCCS Policy WM4 as it would make use of previously developed land, support economic growth (the applicant has stated that 9 new full time jobs will be created) as well as being well located in relation to the source of the waste it will be managing – inferred by the information submitted with the application and the vehicles to be used by the applicant
- 30 In conclusion whilst it is acknowledged that the locality has been identified for housing growth, it is unlikely this to come forward in the short term at least and therefore it is considered reasonable to grant a temporary planning permission for 5 years which would allow the new business to establish itself without precluding the longer term redevelopment of the site for housing.

Design and Historic Environment Issues

- 31 The nearby locally listed workshop at 24-25 Orchard Lane (HER reference 4654) is located approximately 80 metres away from the application property and it is therefore considered that it would be unaffected by this proposal.
- 32 The application building/site is locally listed and is recorded on the Council's Historic Environment Record as HER reference 4694 and therefore the application building/site is considered to be a 'Heritage Asset' as defined by the Chapter 12 of the government's National Planning Policy Framework (NPPF).
- 33 Accordingly, BCCS Policy ENV2 Historic Character and Local Distinctiveness is applicable and states that development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.
- 34 In addition to the statutorily designated and protected historic assets, particular attention should be paid to the preservation and enhancement of locally designated other heritage based site allocations.
- 35 In this instance and in terms of BCCS Policy ENV2, it is considered that the proposed re-use scheme is unlikely to adversely affect the locally listed application building/site in that it appears that the external appearance of the building will be largely unchanged and that the proposal would ensure the ongoing use and existence of the locally listed application building/site.

Neighbour Amenity

- 36 Amongst other matters, Saved Policy DD5 – Development in Industrial Areas of the Dudley Unitary Development Plan - requires development to safeguard the viability

and environmental quality of adjacent and commercial operations as well as safeguarding the amenity of any residential properties.

- 37 In this case the surrounding locality is principally commercial with employment uses dominating. There are also no residential properties close to the site.
- 38 In addition the applicant is intending to undertake storage and any associated processes inside the building rather than in the open and this will be conditioned to ensure this continues.
- 39 Therefore no concerns are raised from an amenity point of view, a view which is shared by the Head of Environmental Health and Trading Standards.
- 40 It should also be noted that the operation would be the subject of an environmental permit which would be issued by the Environment Agency, who will be responsible for the day to day regulation of the site.

Highway Safety

- 41 Saved Policy DD5 of the Dudley Unitary Development Plan requires development proposals to provide adequate arrangements for the access, parking and manoeuvring of vehicles associated with the proposed development.
- 42 As stated above access to the site is obtained via a private way which runs from Dudley Road, and has long been used to serve the industrial estate in which the application site is located and was previously used as access to the site when it was a goods yard. Therefore the access has operated over a number of years as access for larger vehicles.
- 43 As stated elsewhere in this report the applicant proposes to collect waste within the general locality, concentrating mostly on paper and cardboard, but glass and plastic would also be collected.

- 44 Initially the applicant proposes using vehicles carrying 3,300 litres of cardboard which equates to around 3.3 cubic metres with a density of dry cardboard of 55kg per cubic metre which is equal to 182 kg.
- 45 At 10,000 tonnes per annum this could result in 55,000 loads per year delivering to the site which would equate to a worst case scenario of up to 440 movements per day. However, on the basis of the proposed hours of operation proposed, the number of people to be employed and the size of the site as well as the applicant having only one or two vehicles it is highly unlikely that anywhere near the worst case scenario of vehicles would be realised.
- 46 Where compacted cardboard would be exported on larger vehicles, with a capacity of 12 cubic metres and with a density 150 kg per cubic metre, this would be equal to 1.8 Tonnes per load which would lead to some 44 movements per day.
- 47 The Group Engineer (Highways) therefore concludes that the development could potentially result in some 440 movements per day, but as stated above this appears to be a worse case scenario rather than the number of vehicles that are likely to pass through the site.
- 48 More realistically the applicant has indicated that up to 40 vehicle movements per day would be satisfactory, particularly as larger vehicles are introduced.
- 49 However, despite the total number of vehicles which are likely to pass through the site some concerns are raised by the Group Engineer (Highways) given the proximity of the access to Lyett traffic signals which could result in increased congestion, and has suggested the imposition of a condition limiting vehicle movements to 50 trips per day.
- 50 In this case it is not considered to be practical to limit the vehicle movements for the site, as there would be no reliable or effective means of monitoring such a condition. If a weighbridge was proposed as part of the development then it would have been possible to impose such a condition.

- 51 As stated above it most likely that vehicular movements to and from the site are more likely to be limited by the number of people employed, the number of vehicles owned and the amount of material which can be stored and processed at the site.
- 52 The Group Engineer (Highways) has suggested the imposition of a traffic management condition to ensure a left in and a left out at the site is undertaken to ensure less disruption to the Highway. In this case this is considered to be an appropriate condition for which to which the applicant is agreeable.
- 53 The Group Engineer (Highways) considers there to be sufficient room to turn a large vehicle within the site, however, he would suggest a condition that requires all vehicles to access and egress the Highway whilst in a forward gear.
- 54 However, when assessing this application from a highway point of view it is important to note that the site has historically been used as a B2 unit where cardboard boxes were produced, and as such the site could revert to this specific use or any other purpose with Use Class B2 (General Industrial) without the need for planning permission. B2 uses are typically associated with the extensive (and usually uncontrolled) movement of larger vehicles.

Pollution Control

- 55 As stated above the Environment Agency has no objection to the principle of the proposed operation. However, to ensure effective arrangements are put in place to reduce the risk of contamination of controlled waters such as the River Stour, they require the imposition of specific planning conditions.

Nature Conservation

- 56 The adjoining railway line effectively forms the function as a wildlife corridor due to its linear nature connecting the conurbation with the surrounding countryside.

However, as the application is purely for a change of use no concerns are raised from a nature conservation point of view.

Other Issues

- 57 Network Rail initially raised concerns (which have now been withdrawn) with regard to the access over their land and the relationship with the operational railway. However, the applicant has contacted Network Rail directly and they have confirmed there is an established right of access over their land and that there would be no direct impact on operational railway land. They also note that the proposed use would be contained within the building.
- 58 Fire has become a significant issue with regard to the storage of waste with a number of well reported cases. In this case storage is proposed within the building which reduces the risk significantly and is proposed to be conditioned. In addition a fire precaution management plan condition is proposed as suggested by the Environment Agency and Network Rail. It should also be noted that the West Midlands Fire Service have confirmed that they have no objection to the proposal.

CONCLUSION

- 59 The proposed development is considered to be acceptable in principle and that the proposed development would not have any adverse impact on amenity and has satisfactory access arrangements. Consideration has been given to policies CSP1 The Growth Network DEL2 Managing the Balance Between Employment Land and Housing TRAN2 Managing Transport Impacts of New Development ENV 1 Nature Conservation ENV 2 Historic Character and Local Distinctiveness ENV 8 Air Quality WM1 Sustainable Waste and Resource Management WM2 Protecting and Enhancing Existing Waste Management Capacity WM4 Locational Considerations for New Waste Management Facilities and WM5 Resource Management and New Development of the Black Country Core Strategy and saved policies DD1 Urban Design DD5 Development in Industrial Areas NC1 Biodiversity NC6 Wildlife Species HE5 Buildings of Local Historic Importance EP1 Incompatible Land Uses EP3 Water Protection and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

60 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant/Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

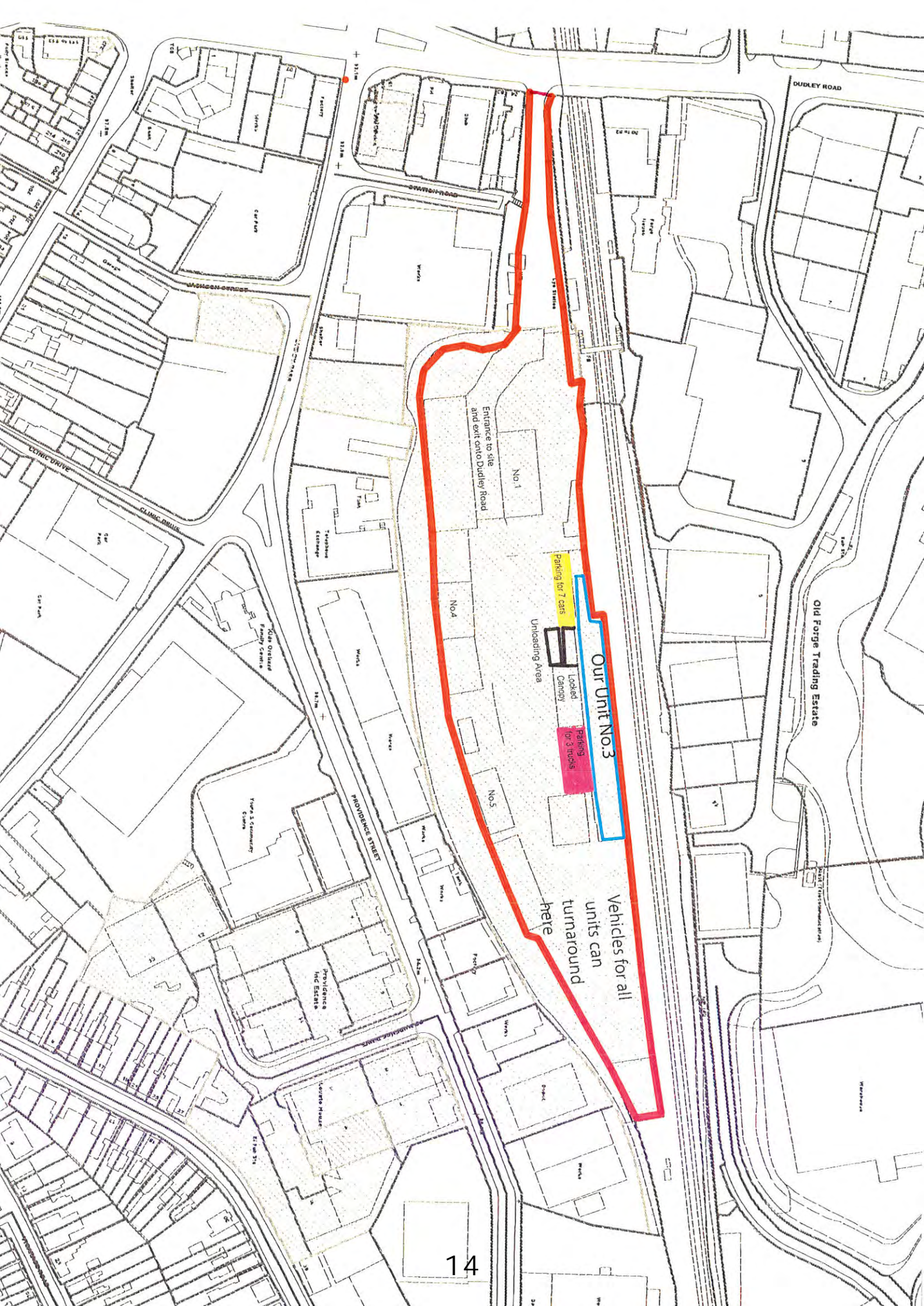
The applicant is reminded that he will need to apply to the Environment Agency for a permit before the operation can first commence.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the unreferenced block plans submitted with the application except insofar as required by other conditions attached to this permission.
3. Notwithstanding the details shown on the approved plans the planning permission for the use as a waste transfer station relates to Unit 3 only, and not to any other unit within the Conyers Trading Estate.
4. There shall be no open storage associated with the use of the site as waste transfer station. All storage associated with the operation of the site shall be contained within the building only.
5. The development hereby approved shall not be commenced until such time as a scheme to dispose of foul and surface water (ie drainage plans) has been submitted to and approved in writing by the Local Planning Authority. (In discharging the condition the applicant shall have regard to the comments of the Environment Agency in their letter of 13 November 2013)
6. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%.

All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge to the bund.

7. The use hereby approved shall not be first commenced until details of what fire precaution / mitigation measures in relation to the adjoining railway line have been submitted to and approved in writing by the Local Planning Authority. The fire precaution / mitigation measures should be implemented in accordance with the approved details prior to use first commencing and shall remain in place for the life of the development.
8. The use hereby approved shall not be commenced until a traffic management plan for the use, including details of how vehicles are to enter and leave the site in forward gear, has been submitted to and approved in writing by the Local Planning Authority. The approved vehicle management plan shall therefore be implemented for the life of the development.
9. No development shall commence until details of secure cycle parking facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
10. The use of the site as waste transfer hereby approved shall cease on or before 12 January 2019.



Parking for 7 cars

Locked Canopy

Parking for 3 trucks

Our Unit No. 3

Unloading Area

Vehicles for all units can turnaround here

Entrance to site and exit onto Dudley Road

No. 1

No. 4

No. 5

Warehouse

Warehouse

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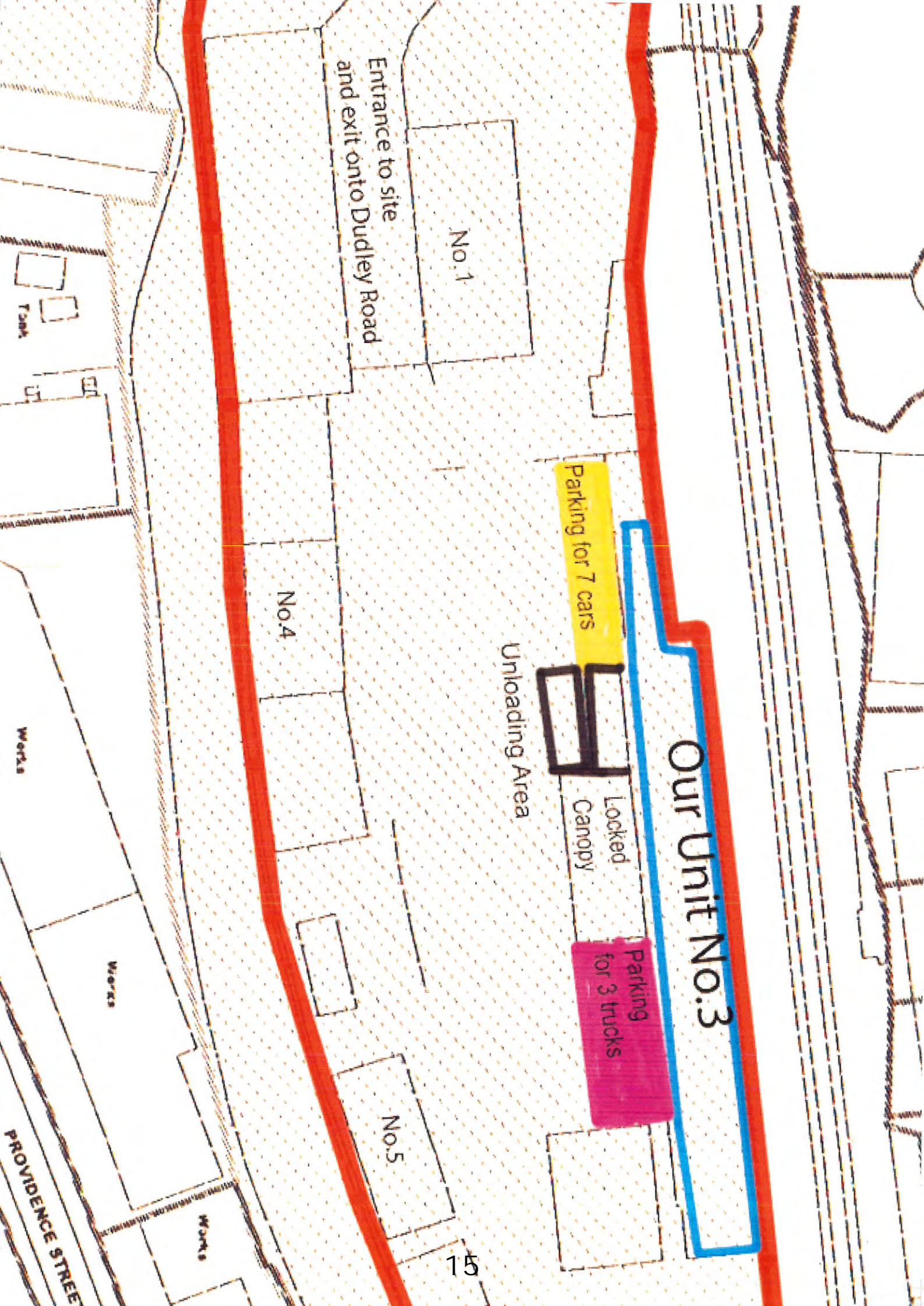
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Entrance to site
and exit onto Dudley Road

No. 1

Parking for 7 cars

Our Unit No. 3

Locked
Canopy

Parking
for 3 trucks

Unloading Area

No. 4

No. 5

Works

Works

Works

Works

PROVIDENCE STREET

PLANNING APPLICATION NUMBER:P13/1340

Type of approval sought	Full Planning Permission
Ward	Wollaston and Stourbridge Town
Applicant	Cllr C. Elcock
Location:	98, VICARAGE ROAD, WOLLASTON, STOURBRIDGE, DY8 4QY
Proposal	DROPPED KERB
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. No.98 Vicarage Road is a semi-detached pitched roof dwelling. The house is set back by over 13.5m from the highway and there is an area of existing hard-standing to the front of the house that provides an area of parking. The property also benefits from an existing dropped kerb to the front.
2. No. 96 Vicarage Road is positioned to the east with No. 100 Vicarage Road being located to the west. Nos. 117-123 Vicarage Road (odd numbers) are located across the road to the front.
3. The property is located within a predominantly residential area on a classified road. The majority of nearby properties also benefit from the addition of a dropped kerb.

PROPOSAL

4. This proposal seeks permission for an extension of the existing dropped kerb to the front of the property which would result in 2 kerb-stones being altered and reduced in height to improved access onto Vicarage Road.

5. This application is on the Development Control Committee Agenda because the applicant is a Councillor.

HISTORY

6. This property has no previous relevant applications.
7. There have been no similar dropped kerb applications in recent years along this particular stretch of Vicarage Road.

PUBLIC CONSULTATION

- Direct notification was carried out to seven surrounding properties to advertise the proposal. No written representations objecting to the scheme have been received and the latest date for comments was 12th December 2013.

OTHER CONSULTATION

8. Group Engineer (Development): No objections.

RELEVANT PLANNING POLICY

- Saved Unitary Development Plan (2005)
DD4 – Development in Residential Areas
- Supplementary Planning Documents
Parking Standards SPD (2012)

ASSESSMENT

9. The key issues in determination of this application are the following:
 - Highway safety
 - Residential amenities of adjacent occupiers

Highway safety

10. The Group Engineer (Development) has not cited any objections to the development which would have satisfactory visibility upon exit from the existing hard-standing on the frontage. There is already a set of dropped kerbs to the front of the application site and this proposal would provide improved access onto the existing parking spaces when driving west along Vicarage Road.
11. The hard-standing is of sufficient size to enable three cars to park on the frontage and there would be no over-hanging of the highway as a result.
12. As such, there would be no objections to the extension of the dropped kerb as the proposed layout would result in acceptable space for access and parking on the frontage of the property. As such, there would be no adverse impact upon highway safety in accordance with Saved UDP Policy DD4 (2005).

Residential amenity

13. Given that parking on the driveway has been enabled by the provision of hard-standing and the existing dropped kerbs on-site, the proposal would not impact on residential amenity. The majority of nearby properties along this street already feature an existing dropped kerb and the extension of the existing dropped kerbs on this site would not harm the residential amenities of adjoining neighbours. The proposal would therefore comply with Policy DD4 of the Saved UDP (2005).

CONCLUSION

14. The dropped kerb extensions on-site would not adversely impact on highway safety due to sufficient space being provided on the frontage of the property and adequate visibility when exiting the site. This development has been designed to avoid any adverse impact upon neighbouring properties in accordance with Saved UDP Policy DD4 (2005).

RECOMMENDATION

15. It is recommended that the application is approved subject to the following conditions;

APPROVAL STATEMENT INFORMATIVE

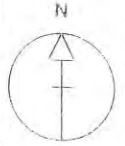
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the plans labelled 'Kerb to be removed'



TITLE NUMBER
WM766065



WEST MIDLANDS : DUDLEY

ORDNANCE SURVEY MAP REFERENCE:

SO8885E

SCALE 1:1250

ORDNANCE SURVEY MAP REFERENCE: SO8885E SCALE 1:1250
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PLANNING APPLICATION NUMBER:P13/1605

Type of approval sought	Full Planning Permission
Ward	Lye and Stourbridge North
Applicant	Mr Mahmood
Location:	105, BIRMINGHAM STREET, STOURBRIDGE, WEST MIDLANDS
Proposal	PART CHANGE OF USE FROM CAR WASH TO CAR SALES AND STORAGE OF CARS (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site occupies a prominent location on Birmingham Street just outside Stourbridge Town Centre. Birmingham Street forms part of the Strategic Highway Network. To the north part of the site abuts the River Stour and beyond is the Civic Amenity Site (refuse). To the west is cleared, former industrial land. On the opposite side of Birmingham Street to the south is a residential estate which occupies an elevated position with respect to the application site.
2. A former petrol station the site retains its building and canopy. It is now used as a hand car wash and tyre fitting centre.

PROPOSAL

3. This is a retrospective application for the part change of use of the site from a car wash to car sales and the storage of vehicles. Limited information has been provided in plan form and additional information has been requested. However, the cars for sale are stored in the extreme eastern corner of the site and the plan indicates that part of an existing building would be used as the office for the car sales.

HISTORY

4. Relevant History.

APPLICATION	PROPOSAL	DECISION	DATE
SB/53/87	Outline: Use as garage and filling station	Approved	30/07/53
SB/53/163	Petrol filling station and repair garage	Approved	21/11/53
SB/56/240	Wash bay and additional petrol pumps	Approved	29/11/56
81/50131	Redevelopment of existing garage to provide new canopy & shop & conversion of existing workshop to a garage	Approved	27/04/81
88/52155	Open car sales area	Approved	03/11/88
99/50078	Change of use from petrol station to car sales	Approved	08/04/99
P05/2758	Change of use to hot and car wash and tyre fitting (retrospective)	Refused	21/02/06
P06/0812	Change of use to hot and car wash and tyre fitting (retrospective) resubmission of approved application P05/2758	Approved	02/06/06

PUBLIC CONSULTATION

5. Nineteen letters have been sent to adjacent and nearby commercial premises and a Site Notice has been displayed. At the time of writing the report no letters of objection had been received. The consultation period had however not expired and therefore any objections to the application, if received, will be presented to Committee in the form of a pre-committee note.

OTHER CONSULTATION

6. Group Engineer - Highways – No objection subject to a Condition requiring the provision of an area of customer parking and a service vehicle management plan to ensure that all service vehicles are loaded/unloaded within the site and access and egress the Highway in a forward gear.
7. Head of Environmental Health and Trading Standards – The change of use of part of this site from a car wash facility to car sales and storage is unlikely to adversely impact on the amenity of nearby residents in terms of noise. The proposed use is in fact preferable in terms of noise compared to the existing car wash use. I therefore have no objection in terms of noise to the proposals to change part of the site to car sales and storage of cars.

RELEVANT PLANNING POLICY

8. National Planning Guidance (2012)
National Planning Policy Framework
9. Black Country Core Strategy (2011)
DEL1 Infrastructure Provision
ENV 2 Historic Character and Local Distinctiveness
TRAN2 Managing Transport Impacts of New Development
10. Saved Unitary Development Plan (2005)
DD2 Mixed Use
SO2 – Linear Open Space
11. Supplementary Planning Documents
Planning Obligations (2011)
Parking Standards (2012)
Stourbridge Area Action Plan (2013)

ASSESSMENT

Key Issues

- Principle
- Amenity
- Access and Parking

Principle

12. The site is located just outside Stourbridge Town Centre and forms part of Opportunity Site S 6 (North of Birmingham Street) within the Stourbridge Area Action Plan. Opportunity Sites are identified to help to regenerate the local environment, reinvigorate the vitality and viability of the Town Centre and to deliver a vastly improved environment.
13. The site is used for tyre fitting and as a hand car wash. The site has an unkempt appearance and ideally the site will eventually form part of the larger adjacent site for re-development. In the meantime however, this application represents a small change to the premises re-introducing car sales to part of the site. In principle, such a use would be in keeping with the general history and current use of the site with its connection to motor vehicles.

Amenity

14. The Head of Environmental Health and Trading Standards considers that the change of use of part of this site from a car wash facility to car sales and storage is unlikely to adversely impact on the amenity of nearby residents in terms of noise. Indeed he feels that the proposed use is preferable in terms of noise compared to the existing car wash use. He therefore raises no objection in terms of noise to the proposals to change part of the site to car sales and storage of cars.

Access and Parking

15. The Group Engineer, Highways does not object to the application provided that two customer parking spaces are marked out ; that all service vehicles are loaded/unloaded within the site; that egress to the Highway is in forward gear and that a plan is submitted which indicates the area for car sales / storage, customer parking and the relationship with the car wash / drying area. These can all be secured by condition.

CONCLUSION

16. The application represents a return of part of the site to car sales. Given the size of the site and its previous history it is considered that this part change of use is appropriate. On this basis the application would accord with the National Planning Policy Framework, Policies DEL1, ENV2, TRAN2 of the Black Country Core Strategy, Saved Policies DD2 and of the adopted Dudley Unitary Development Plan, the Stourbridge Area Action Plan and Parking Standards Supplementary Planning Document.

RECOMMENDATION

17. It is recommended that the application is APPROVED subject to the following conditions:

Conditions and/or reasons:

1. Within one month of the date of this permission a plan clearly showing the area of the site for car sales/storage, customer parking and the car wash and drying area shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt at least two customer parking spaces shall be provided for the car sales facility. The site shall be laid out in full accordance with the approved details within one month of their approval and shall be retained as such thereafter for the lifetime of the development.
2. Within one month of the date of this permission a vehicle management plan shall be submitted to and approved in writing by the Local Planning Authority. For the

avoidance of doubt the plan shall demonstrate that all service vehicles shall be loaded/unloaded within the application site and that they shall access and egress the site in a forward gear. The development shall be carried out in complete accordance with the approved details for the lifetime of the development.





105, BIRMINGHAM STREET
D18 1SU

MSB

29 NOV 2013

PLANNING APPLICATION NUMBER:P13/1640

Type of approval sought	Full Planning Permission
Ward	Belle Vale
Applicant	Hayley Group Plc
Location:	HAYLEY GROUP PLC, SITE 2 (HAYLEY), SHELAH ROAD, HALESOWEN, WEST MIDLANDS, B63 3XL
Proposal	INSTALLATION OF 4 NO. AIR CONDITIONING UNITS AND ASSOCIATED 2 M HIGH ACOUSTIC FENCING (RETROSPECTIVE)
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a 1970s industrial unit within an area that is characterised by industrial premises and residential properties. In front of the building is a car parking area, with palisade fencing along the front boundary.

- 2 Whilst the locality is mostly industrial there is a 1970s housing estate (Winsford Close) that adjoins the site to the south and east. This is bounded by a close boarded fence and tree planting.

PROPOSAL

3. This a part retrospective planning application for the provision of four air conditioning condenser units to the side (eastern) elevation to the existing main building at the site. The units are located on a concrete base set in approximately 6m from the boundary with the closest dwelling 7 Winsford Close. The tallest of the units is in the region of 1.6 to 1.7m high.

4. In addition to the retention of the condenser units this application is also for the erection of an acoustic fence around the units. This proposal has been amended as the fence would not initially have fully enclosed the units.

5. A similar application for two units (without the barrier) was refused at Development Control Committee in September of last year due to concerns about the impact on neighbour amenity and visual impact.
6. Following on from the last application the applicants have considered positioning the units in other locations, including the side to the vehicular access, however, they considered the units would impeded access and would be susceptible to damage from forklift trucks etc.
7. They also advise that they have looked at positioning them on the front elevation. But this has been ruled out on visual amenity grounds as well as impact to the car parking arrangements.
8. The chosen location is considered to be appropriate in that does not affect operational areas, and is 5m from the boundary with a screen fence. They also consider the location to be well screened and in terms of noise they consider they have little impact on ambient noise levels. They also note the lack of objection from the Head of Environmental Health and Trading Standards.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
HB/57/653	Industrial development.	Refused	05/02/58
HB/63/417	The use for packing and manufacturing of cases and Cartons and ancillary purposes and for storage of land	Granted	19/08/63
HB/67/526	Development comprising covered store	Granted	07/08/67
HB/67/859	Storage building.	Granted	08/01/68
HB/71/20	Warehouse and offices phase 1.	Granted	05/03/71
HB/71/21	Warehouses and offices phases ii and iii.	Granted	05/03/71

HB/71/581	Sprinkler water storage tank and pump house	Granted	13/09/71
HB/71/649	Canopy.	Granted	04/11/71
HB/72/338	Change of use.	Refused	09/06/72
HB/73/215	Change of use from warehouse to industrial.	Granted	07/11/73
HB/73/824	Warehouse.	Withdrawn	15/09/73
90/51677	Conversion and change of use of part of existing Warehouse to 2 storey offices.	Granted	17/10/90
94/51828	Installation of pumphouse and water storage tank.	Granted	06/04/95
94/50358	Erection of security fencing and gates re-surfacing of Front yard and shrub planting front of car park.	Granted	11/04/94
97/51541	First floor office extension to be constructed internally with installation of new windows.	Granted	17/11/97
95/51343	Change of use of warehouse to B2 general industrial	Refused	16/11/95
P01/0101	Insertion of two additional windows in front elevation of Building (retrospective).	Granted	19/07/02
P02/1182	Insertion of additional windows to warehouse building facing Shelah Road plus new staff entrance	Granted	19/07/02
P06/0647	Change of use to car park (sui generis) (retrospective)	Granted	6/05/2006
P06/1473	Removal of condition 4 of previous approval P 06/0647	Refused	26/09/2006

	which requires the installation of a noise barrier.		
P12/0131	Change of use of warehouse (B8) to office accommodation (B1) with front elevational changes to include new windows and double doors, new gated access and dropped kerb.	Granted	30/4/2012
P12/0297	Enlargement and re-surfacing of existing car park	Granted	29/8/2012
P13/0931	Provision of 2 no air conditioning condenser units (retrospective)	Refused	19/9/2013

- 9 P13/0931 was refused by the Development Control Committee as it was considered the units harmed neighbour and visual amenity.

PUBLIC CONSULTATION

- 10 2 letters of objection received, following consultation with 27 adjoining neighbours.

Main issues raised:

- Application previously refused by committee
- Additional units installed without permission
- Health issues related to units including Legionella
- Reduction in property value and saleability
- Units need to regularly maintained
- Close to patio area
- Noise from units
- Visible from other properties
- Units should be moved to western elevation of the building
- Sound will be deflected back to the main building by the fence

It should be noted that one of the letters of objection was submitted without an address being provided.

OTHER CONSULTATION

- 11 Head of Environmental Health and Trading Standards: No objection subject to the imposition of conditions relating to the standard of the fence and for the hours of operation of the units.
- 12 West Midlands Police: Recommend that the fence encloses the units completely, to deter them being the target of opportunist offenders.

RELEVANT PLANNING POLICY

- National Planning Guidance

National Planning Policy Framework (2012)

- Unitary Development Plan (2005) (Saved Policies)

DD4 Development in Residential Areas

DD5 Development in Industrial Areas

EP7 Noise Pollution

ASSESSMENT

- 13 The main issues are
 - Policy
 - Design
 - Neighbour Amenity
 - Other Matters

Policy

- 14 Saved policy DD4 – Development in Residential Areas - of the Dudley Unitary Development Plan states that development proposals should have no impact upon residential amenity and should be appropriate in terms of design and character. Saved Policy DD5 – Development in Industrial Areas, similarly states that any development should “*safeguard the amenity and environmental quality of adjacent residential areas.*”

- 15 Saved Policy EP7 – Noise Pollution – states *that “where development is expected to generate noise, the Council will require proposals to include measures that would minimise noise emissions (and minimise noise intrusion)”*
- 16 It is considered that the installation of air condenser units and an acoustic screen fence would be acceptable in principle.

Visual Amenity

- 17 The four units are located on the side (eastern) elevation of the main building within the application site. The units are located on the ground and are powder coated in a light pale green colour. The units are comparatively modest when compared to the size of the building.
- 18 From Shelah Road the units at present are comparatively discrete in that the boundary with the neighbour (7 Winsford Close) effectively screens the units when viewed along Shelah Road from the east. The existing building also screens the units when viewed along Shelah Road from the West. However they are visible when viewed from the front of the site.
- 19 The units are partially available above the top of the existing boundary treatment that separates the site from the closest residential properties. In addition there is some tree cover along the boundary which further limits any visual intrusion of the units.
- 20 However, irrespective of this it is now proposed to further screen the units with a two-metre high acoustic fence which would prevent the units from being seen.
- 21 It is therefore considered that there are no justifiable reasons to refuse this amended application on visual amenity grounds.

Neighbour Amenity

- 22 The relatively close proximity of the units to neighbouring residential properties is noted and was the principal reason for the refusal of the previous application at the site.
- 23 The Head of Environmental Health and Trading Standards notes the previous application related to two units and this proposal is for four units with the addition of a 2 metre high acoustic fence around all of the units.
- 24 The Head of Environmental Health and Trading Standards notes that the two additional fans would potentially increase the level of noise produced from the site, but with the provision of the acoustic fence any noise from the units would be substantially reduced.
- 25 Furthermore, the Head of Environmental Health and Trading Standards is of the view that the imposition of a condition to prevent the units being used outside of normal office hours and during 'quiet' hours would further reduce the potential for any noise issues affecting the neighbouring properties.

Other Matters

- 26 Health is a material consideration when determining any planning application and this stance is confirmed by the NPPF. However, issues relating to the maintenance of air conditioning units are covered by other areas of legislation such as health and safety at work. In addition it is understood Legionella (the bacteria associated with Legionnaires Disease is mostly usually associated with water cooled systems. It is understood that the systems used here are air cooled.

CONCLUSION

- 27 The development is considered to be acceptable in terms of visual amenity due to its location, size and colour treatment. In addition the units are considered to be acceptable in terms of noise, regarding adjoining residential properties.

Consideration has been given to Saved Policies DD4 Development in Residential Areas DD5 Development in Industrial Areas and EP7 Noise Pollution of the Dudley Unitary Development Plan.

RECOMMENDATION

28 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant/Informative

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

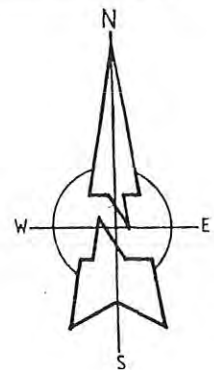
Conditions and/or reasons:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2648-100A
2. The units hereby approved shall not be operated before 0700 hours or after 1900 Monday to Friday, before 0700 hours or after 1300 hours on Saturdays and not at all on Sundays and Public Holidays.
3. An acoustic barrier and gates shall be constructed in accordance with the plans detailed in drawing number 2648-100A submitted with the application. The barrier and gates shall be of minimum height of 2 metres and minimum surface density of 10kg/m². All works which form part of the approved scheme shall be completed within 3 months of this decision. The barrier shall be retained and maintained throughout the life of the development.



Site / Location Plan

Copyright Reserved



Client: Hayley Group Plc.

Site Address: Hayley Group, Site 2 Shelah Road, Halesowen, West Midlands. B63 3XL

Scale: 1:1250

Job No. 2648 **Dwg. No.** 03

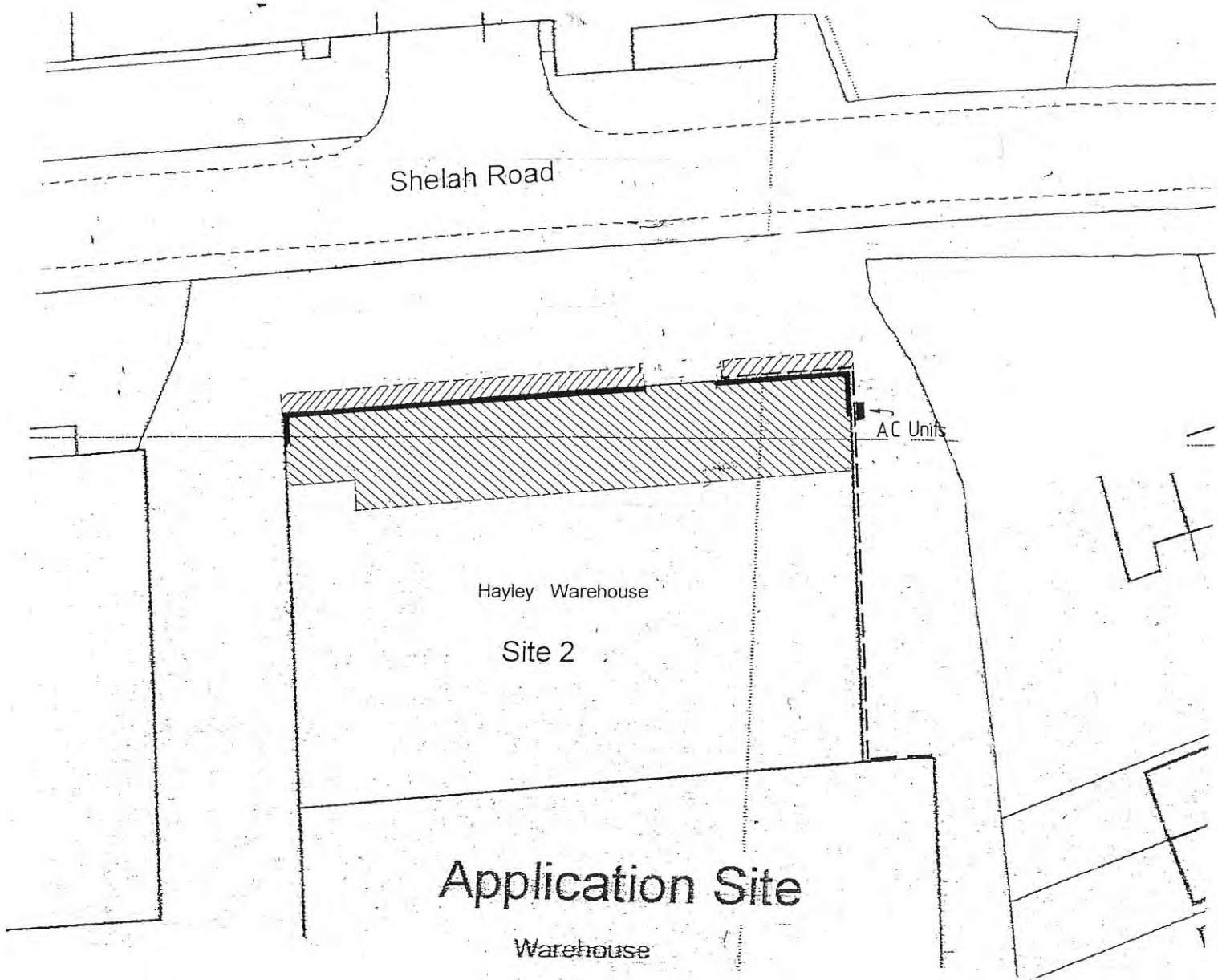
Halas Design Ltd

173 Lower High Street,
Stourbridge,
West Midlands,
DY8 1TG

Office: 01527 872255 / 0121 459 6996

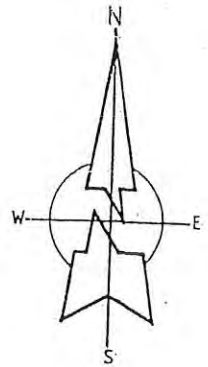
Mobile 07980 145 997

E-Mail : Halasdesignltd@AOL.COM



Site Plan

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Project:

Client: Hayley Group Plc.

Site Address: Site 2, Shelah Road, Halesowen. B63 3XL

Scale: 1:500

Job No. 2648 **Dwg. No.** 07

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173 Lower High Street,
Stourbridge,
West Midlands.
DY8 1TG

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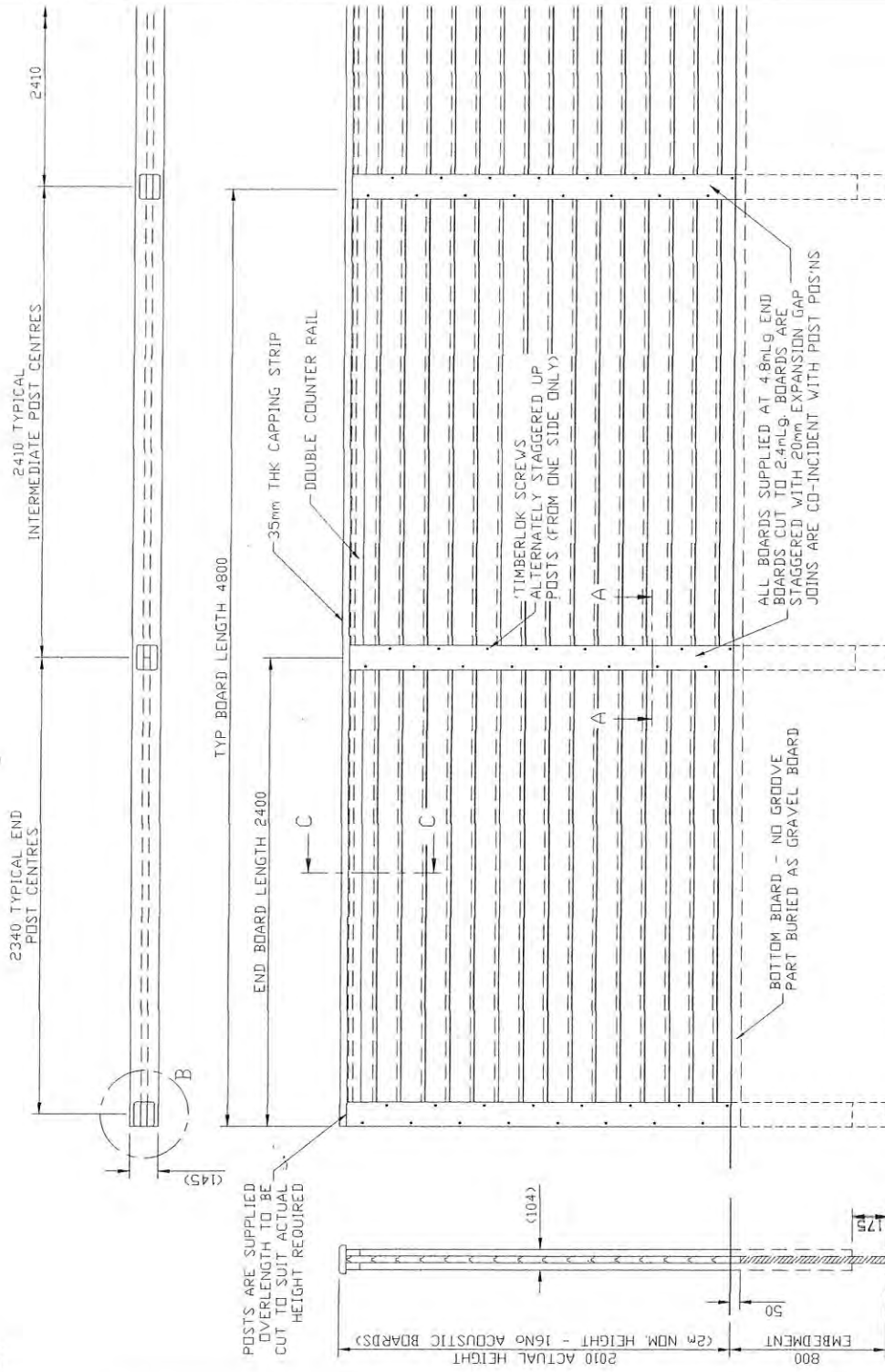
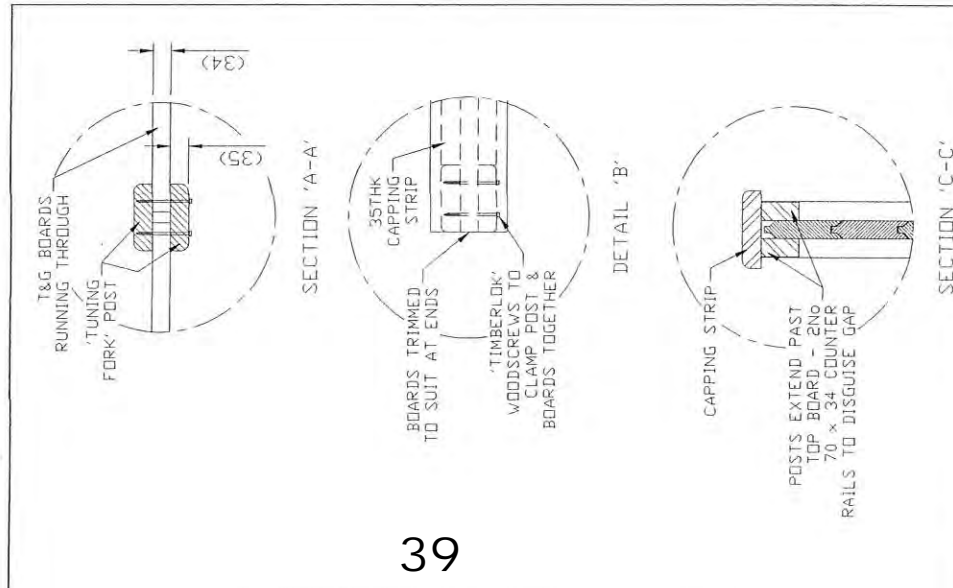
E-Mail : Halasdesignltd@AOL.COM

DO NOT SCALE - IF IN DOUBT ASK

NOTES

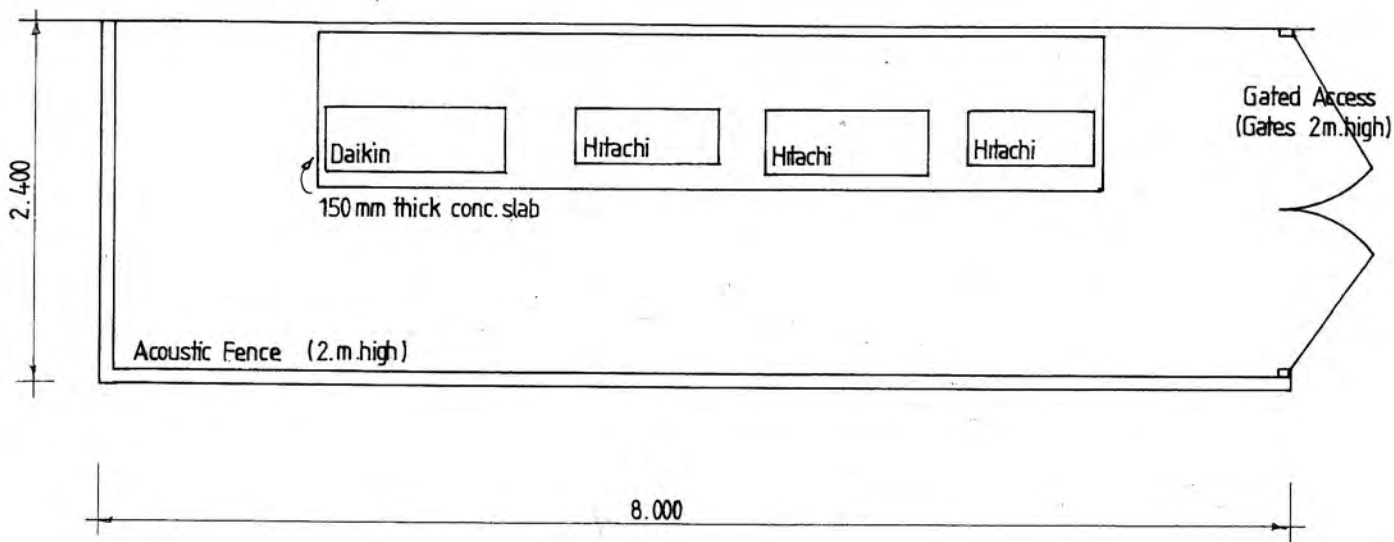
- MAT'L'S - TIMBER TREATED WITH 'JAKCURE' PROCESS
- ACOUSTIC BOTTOM BOARD - 146 x 34 THK (125 Nom. FACE)
- ACOUSTIC T&G BOARDS - 146 x 34 THK (125 Nom. FACE)
- TIMBER BATTEN - 100 x 50 THK SAWN FINISH
- CAPPING RAIL - 145 x 34 THK PAR
- POST SIDES - 125 x 34 THK PAR
- COUNTER RAIL - 70 x 34 THK PAR

ALL FIXINGS ARE GALVANISED OR STAINLESS STEEL



VIEWED FROM OUTSIDE

<p>Jacksons FINE FENCING</p> <p>Stowing Common Near Ashford, KENT. TN25 6BN Telephone : 01233 750393 Fax: 01233 750403 Int. Tel : +44 (0)1233 750393</p> <p>This Drawing is The Property Of H.S. Jackson & Son (Fencing) Ltd And May Not Be Copied Or Reproduced In Any Way Without Prior Written Permission.</p>		<p>DATE: 07/01/08 UPDATE</p> <p>DATE: 04/03/06 SYSTEM CHANGE</p> <p>DATE: 16/01/06 ORIGINAL ISSUE</p>		<p>Drawn JR</p> <p>Date 16/01/05</p> <p>Checked</p> <p>Size A3 Scale 1:25 U.O.S.</p>		<p>TITLE</p> <p>DETAIL OF JAKOUSTIC FENCING SYSTEM - 2.0mH</p> <p>CUSTOMER</p> <p>ACK No.</p>		<p>Drawing No.</p> <p>06 J7/01043</p> <p>Sheet 1 - 2mH</p>	
		<p>DO NOT SCALE - IF IN DOUBT ASK</p>		<p>39</p>		<p>DO NOT SCALE - IF IN DOUBT ASK</p>		<p>39</p>	



Plan

Copyright Reserved

Project: Air Conditioning Units

Client: Hayley Group.

Site: Hayley - Site 2, Shelah Road, Halesowen.

Scale: 1:50

Date: Nov. 2013 **Job No.** 2648 - 100A'

Halas Design Ltd

173 Lower High Street,
Stourbridge,
West Midlands.
DY8 1TG

Office: 01384 395948

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E-Mail : halasdesignltd@aol.com

PHOTO

-7 (2) 2013



PLANNING APPLICATION NUMBER: P13/1654

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Dudley MBC
Location:	DUDLEY MARKET, HIGH STREET, DUDLEY, WEST MIDLANDS
Proposal	REDEVELOPMENT OF DUDLEY MARKET PLACE TO REPLACE EXISTING STALLS WITH NEW MARKET STALLS, STORAGE FACILITY, TRADERS TOILET AND PUMP ROOM BUILDING AND PROVISION OF TEMPORARY STALLS DURING THE PHASED DEVELOPMENT
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site encompasses The Market Place, public toilets and the surrounding pedestrianised area terminating at the junctions with New Street and Castle Street to the north east and Stone Street to the south west. The site is located within the medieval street pattern of Dudley Town Centre Conservation Area.
2. The Market Place itself is framed by a number of historic buildings and structures which define the public realm, with views towards St Edmunds Church to the south west and Dudley Castle to the north east. The Market Place is a pedestrianised public area with open air market stalls, street furniture and some planting, together with public art features including The Duncan Edwards Statue. In addition to the medieval street pattern, within the application site and at the edge of the application site there are a number of designated statutory and non-statutory heritage assets;

Designated Statutory Heritage Assets;

- a. The Grade II* Listed fountain.
- b. 222-223 High Street which is currently occupied by River Island and is a 4 storey Grade II Listed Building.

Non-Statutory Heritage Assets;

- The Locally Listed Fountain Arcade
- 33-34 High Street (Plaza Malls) which is recorded on the Council's Historic Environment Record (HER 12960)
- 1-3 New Street (Convenience store) which is recorded on the Council's Historic Record (HER 4920)
- 2 New Street – which is recorded on the Council's Historic Record (HER 15066)
- 6 Castle Street (British Heart Foundation) which is recorded on the Council's Historic Record (HER15067)

PROPOSAL

3. Planning permission is sought to remove the existing market stalls and install replacement stalls with an integrated storage facility, trader's toilet and pump room building. The proposals form part of the comprehensive redevelopment of Dudley Market Place.
4. The stalls would be a maximum height of 3.8m in height and 16m in width and would lie between the Grade II Listed fountain and the re-sited Duncan Edwards Statue. They would comprise of a demountable galvanised steel framework with roofs created from coloured bands of powder coated steel sheets. Access points into the market would be defined by glazed panels integrated into the roof covering which would identify the routes through the market stalls. A central aisle would be maintained, running in-between the two rows of stalls and would be covered by glazed panels which would link to the roofs either side. The roof would be stepped

to compensate for the fall in levels across the site. Art work and replacement clocks would be incorporated into the end gable of the stalls and the integrated storage facility, trader's toilet and pump room would be finished with bands of stonework.

5. The development would be carried out in two phases to reduce the impact of the proposed works on market traders and shoppers and to allow the separation of construction traffic from the market.
 - c. **Phase One** would involve the demolition of the existing toilet block (granted consent under previous applications) and the erection of 42 new market stalls. A proportion of the existing stalls would be removed with 29 retained and up to 25 temporary stalls erected on the current events area to the south western end of the site.
 - d. **Phase Two** would involve the erection of 12 temporary market stalls within the area given over for the relocation of the Duncan Edwards Statue. Construction traffic would be moved to the High street end of the site and the remainder of the stalls would be erected.
6. Application P 13/1674 is running concurrently and proposes the variation of Condition 3 attached to P13/0643 to allow for the provision of a temporary (pending the construction of a permanent) storage facility following demolition of the existing toilet block and store.

HISTORY

7. The recent application submitted in relation to the comprehensive redevelopment of Dudley Market place are listed below;

APPLICATION	PROPOSAL	DECISION	DATE
P13/0643	Refurbishment of Castle Street and Market Place to include demolition of public toilets, raise Earl of Dudley Statue with proposed lighting and relocation of Duncan Edwards Statue	Approved with Conditions	28/06/13
P13/0648	Listed Building Consent to replace 'Green Man Head Sculpture' above entrance archway to Green Man Entry.	Approved with Conditions	29/07/13
P13/0649	Conservation Area Consent for demolition of existing public toilets in Dudley Market Place	Approved with Conditions	29/07/13
P13/0650	Listed Building Consent to raise the Earl of Dudley Statue and to construct new raised grass surround and proposed lighting.	Approved with Conditions	29/07/13
P13/0647	Listed Building Consent to install facade up lighting at first floor level at 222a-223 High Street, Dudley	Approved with Conditions	29/07/13
P13/1287	Change of use from retail (A1) to public toilets (OSG) with new front stone façade and gated entrance at 256 Castle Street Dudley.	Approved with Conditions	19/11/13
P13/1674	Variation of Condition 3 of Planning approval P13/0643 to be revised to "No closure or demolition of the toilet block and store shall take place until a permanent replacement public toilet facility and a temporary store within Dudley Town Centre has been provided and is fully operational.	Also on this agenda	

PUBLIC CONSULTATION

8. Direct notification was carried out to 40 neighbouring units. A site notice has also displayed and a noticed placed in the local press. The final date for receipt of representations is 4th January 2013 and any observations received prior to the Committee meeting will be reported in a pre-committee note.

OTHER CONSULTATION

9. Group Engineer (Highways); No objection subject to conditions requiring the submission of a traffic management scheme and that the appropriate legal agreements are obtained.
10. English Heritage; No objection subject to appropriate conditions and subject to the application being referred to the Secretary of State for determination.
11. Head of Environmental Health and Trading Standards; No objection

RELEVANT PLANNING POLICY

National Planning Policy

- National Planning Policy Framework (2012) (NPPF) - Specifically Chapter 12, Conserving and enhancing the historic environment.
- PPS5 – Planning for Historic Environment Practice Guide
- Planning (Listed Buildings and Conservation Areas) Act 1990

Black Country Core Strategy (2011) (BCCS)

- CSP1 The Growth Network
- CSP4 Place Making
- CEN4 Regeneration of Town Centres
- EMP6 Cultural Facilities and the Visitor Economy
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005) (UDP)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DTC1 Thoroughfares and Public Spaces
- DTC2 Street Blocks
- HE4 Conservation Areas

- HE5 Buildings of Local Historic Importance
- HE6 Listed Buildings
- HE11 Archaeology and Preservation

Supplementary Planning Guidance/Documents

- Historic Environment Supplementary Planning Document (2006)
- Dudley Town Centre Area Development Framework (2005) (ADF)
- Parking Standards and Travel Plans Supplementary Planning Document
- Dudley Town Centre Conservation Area Character Appraisal
- Dudley Town Centre Conservation Area Management Plan

ASSESSMENT

12. Key issues;

- Removal of the existing market stalls
- Design and Historic Environment Issues
- Archaeology
- Amenity
- Accessibility
- Highway Safety

Removal of the existing market stalls

13. As a component of a designated Conservation Area the market stalls are protected from demolition by the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 of the Act states that in the exercise of their duties planning authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. As a component of a Conservation Area Section 74 (3) of the Act requires that the market stalls shall be treated for the purposes of decision making as though it was statutorily listed in its own right (i.e. “designated”). Planning authorities must, therefore, also pay special regard to the desirability of preserving such buildings or their settings.

14. The key issue in respect of this application relate to the extent to which the proposals can be justified in general and when considered against the specific criteria set out in Chapter 12 of the NPPF and the saved UDP Policies. The application site is located within the centre of the Dudley Town Centre Conservation Area and as such paragraphs 131, 132, 133 of the NPPF (regarding designated heritage assets) are of particular relevance. The determining issues are:-

- The architectural and historical merits of the structure proposed for demolition and the contribution it makes to the Dudley Town Centre Conservation Area.
- The merits of the alternative proposals for the site and its impact on the character and appearance of Dudley Town Centre Conservation Area and the setting of the surrounding listed and locally listed buildings.

15. The existing market stalls were erected during the 1980s as a modern day replica of the original historic market stalls. The central aisle was later covered with a Perspex roof which offered market traders and shoppers weather protection which they are now accustomed to. The original stalls would have been temporary structures with canvas roofs, however, the current stalls have mineral felt roofs which are not considered to make a positive contribution to the character and appearance of Conservation Area. The central aisle is narrower than what would have historically been in place and as a consequence hinders views of the Grade II* Listed fountain and offers poor natural surveillance. The existing stalls are considerably closer to the listed fountain which has a negative impact upon its setting. The horizontal stalls towards the New Street end of the site also hinder views towards the Castle and detract from the linearity of the medieval through route. In contrast the replacement stalls pick up on the positive features of the historic stalls including a larger central aisle with staggered approaches into the stalls.

Design and Historic Environment Issues

16. The Dudley Town Centre Area Development Framework (ADF) was adopted by the Council as Supplementary Planning Guidance (SPG) in December 2005 and

presents a vision, development strategy and illustrative development framework. The ADF recognises that the design, quality and appearance of the public realm is an important component in defining the character of a place and is vital to attracting and sustaining investment. The Market Place is identified as one of the five key public realm projects which are prioritised for action and is a key site within the medieval part of the town centre. The key aims identified within the ADF for the public realm around the market place are to restore and enhance its identity as the heart of Medieval Dudley. In order to achieve this, it is important to reinforce the linearity of the space, emphasising its role as part of the medieval spine and the main route towards the castle.

17. Saved Policy HE4 of the UDP states that the Council will safeguard approved Conservation Areas, and that proposal for inappropriate alteration of buildings or proposals for works which could be detrimental to their character or setting will be resisted. This policy also requires any new development to respect the historical or vernacular building character, proportion, massing and relationship between buildings and the spaces between them and with their setting. Saved Policy HE6 of the UDP states that the Council will safeguard and encourage the appropriate enhancement of buildings statutory listed as being of historic or architectural value. Policy ENV2 of the BCCS states that all proposals should aim to sustain and conserve the historic aspects of the civic, religious and commercial core of the principal settlements of medieval origin such as Dudley.

18. The design of the proposed replacement market stalls has followed a number of design stages with public consultation initially held in March 2011. Pre-application discussions have also taken place to ensure that replacement stalls are fit for purpose both in terms of the market traders and shoppers but also that their scale and form serves to restore and enhance the medieval through route.

19. The submitted design follows the historic market footprint with two rows of stalls and a central aisle. Consideration has been given to the roof coverings with the proposed coloured metal composite roof panels being an appropriate compromise to provide a modern day replica of the traditional canvas's which were historically

used, but not deemed feasible due to their vulnerability and maintenance issues. The colour of the roofing panels has not been confirmed but can be secured by condition.

20. As with the existing stalls, the central aisle would be covered and whilst this would not have been the case historically, it will provide natural light and weather protection which both the traders and shoppers are accustomed to. Removal of the existing toilet block allows for a more spacious arrangement with the market stalls moved further away from the Grade II* Listed fountain, enhancing the setting of this statutory Listed heritage asset. The linearity of the medieval route would be reinstated and enhanced with removal of the horizontal stalls towards the New Street end of the site. In this respect, it is considered that the proposal would enhance the character and appearance of the Conservation Area.
21. The proposals include an integrated storage facility, accessible toilet and a pump room to service the Grade II* Listed fountain. The design of this element of the proposals would complement the stonework within the front elevation of the new public toilets at 256 Castle Street. Conversion of 256 Castle Street has been approved under planning reference P13/1287 and is required to be operational prior to the demolition of the existing public toilets.
22. The phasing of the works would serve to minimise disruption to traders and shoppers whilst also controlling the construction traffic to and from the site. The temporary stalls would also allow trade to continue during the works. Whilst the siting of the temporary stalls is indicated on the drawings, no details have been provided to demonstrate the type or form of stalls to be erected. This detail can, however, be agreed via condition. It is also deemed appropriate to condition removal of the temporary stalls once works are completed.
23. Over the past 15 years, Dudley Town Centre has suffered economic decline and the proposal forms part of a comprehensive regeneration initiative. To this end, Dudley Metropolitan Borough (DMBC) submitted an outline bid to ERDF for £2.61m of European funding to deliver this vision. The project which is known as 'Dudley Town Centre Public Realm and Ambassador Project' aims to;

“significantly enhance the image and perception of Dudley Town Centre, help accelerate development, lever in investment, improving existing business, reverse economic decline and re-develop 0.9ha of brownfield land”.

Overall the project will have a significant beneficial impact upon the town centre which will complement and enhance other development projects within and adjacent to the town. The proposal forms a significant part of this regeneration initiative which is in the wider public interest.

24. It is therefore considered that proposals would preserve and enhance the character and appearance of the Conservation Area and respect the setting and integrity of the heritage assets. The proposal forms part of the comprehensive regeneration of Dudley Town Centre and is in the wider public interest. In this respect the proposal therefore complies with the NPPF, saved Policy HE4 and HE6 of the Dudley UDP, Policy ENV2, EMP6, CEN4 and CSP4 of the Black Country Core Strategy and The Dudley ADF (2005).

Archaeology

25. Consideration has been given to the impact of the proposals on any surviving below ground archaeology and on any non-designated heritage assets. Birmingham Archaeology was commissioned to undertake an Archaeological Desk-based Assessment of the application site, a copy of the reports being held on the Historic Environment Record (HER). The research concluded that there is some potential for below ground archaeological remains to survive relating to Roman/medieval/post-medieval occupation and as such there will need to be a programme of archaeological works which can be secured by condition. Subject to condition, the proposal is therefore considered compliant with saved UDP Policy HE11 of the UDP (2005)

Amenity

26. Whilst the site is within the heart of the town centre, there are residential premises. It is, however, considered that the proposed developments are unlikely to have any significant affect on neighbouring amenity given the nature of the works and their siting within the context of a town centre. In this respect the proposal therefore complies with saved UDP Policy DD4.

Accessibility

27. The proposed market stalls would have an integrated accessible WC which would be accessible to members of the public with the use of the 'national key scheme'. The entrance to the wc should, however, be easily identifiable by ensuring that the door and/or door frame contrast in colour from other elements of the building. This can, however, be secured by condition. Circulation space between the stalls is sufficient for manoeuvrability, and the amount of natural daylight provided by the central aisle improves way finding. It is therefore considered that the proposal is in accordance with the Council's 'Access for All' Supplementary Planning Document.

Highway Safety

28. The Group Engineer (Highways) raises no objection to the proposed works subject to appropriate conditions in order to secure full details of the traffic management proposals required to facilitate the temporary market stalls whilst the public realm improvements take place on the Market Place.

CONCLUSION

29. The proposed development would enhance the character and appearance of the Dudley Town Centre Conservation Area and would preserve and enhance the settings of the relevant statutory listed buildings, structures and adjacent historic assets. The proposal forms part of the comprehensive regeneration of Dudley Town Centre and is within the wider public interest. The design of the market stalls would complement and improve the linearity of the medieval through route to the castle whilst providing a practical replacement facility to meet the needs of traders and shoppers. There would be no adverse impact upon neighbouring amenity.

RECOMMENDATION

30. The application relates to the local authorities own land, and in accordance with Section 82 of The Planning (Listed Buildings and Conservation Areas) Act 1990, and Regulation 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, and Statutory Instrument 2013 No. 2145, the Secretary of State must be notified. It is recommended that the application be APPROVED subject to no objection or call-in from the Secretary of State as a result of being notified and subject to the following conditions:

Approval Statement Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

The proposed development lies within an area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

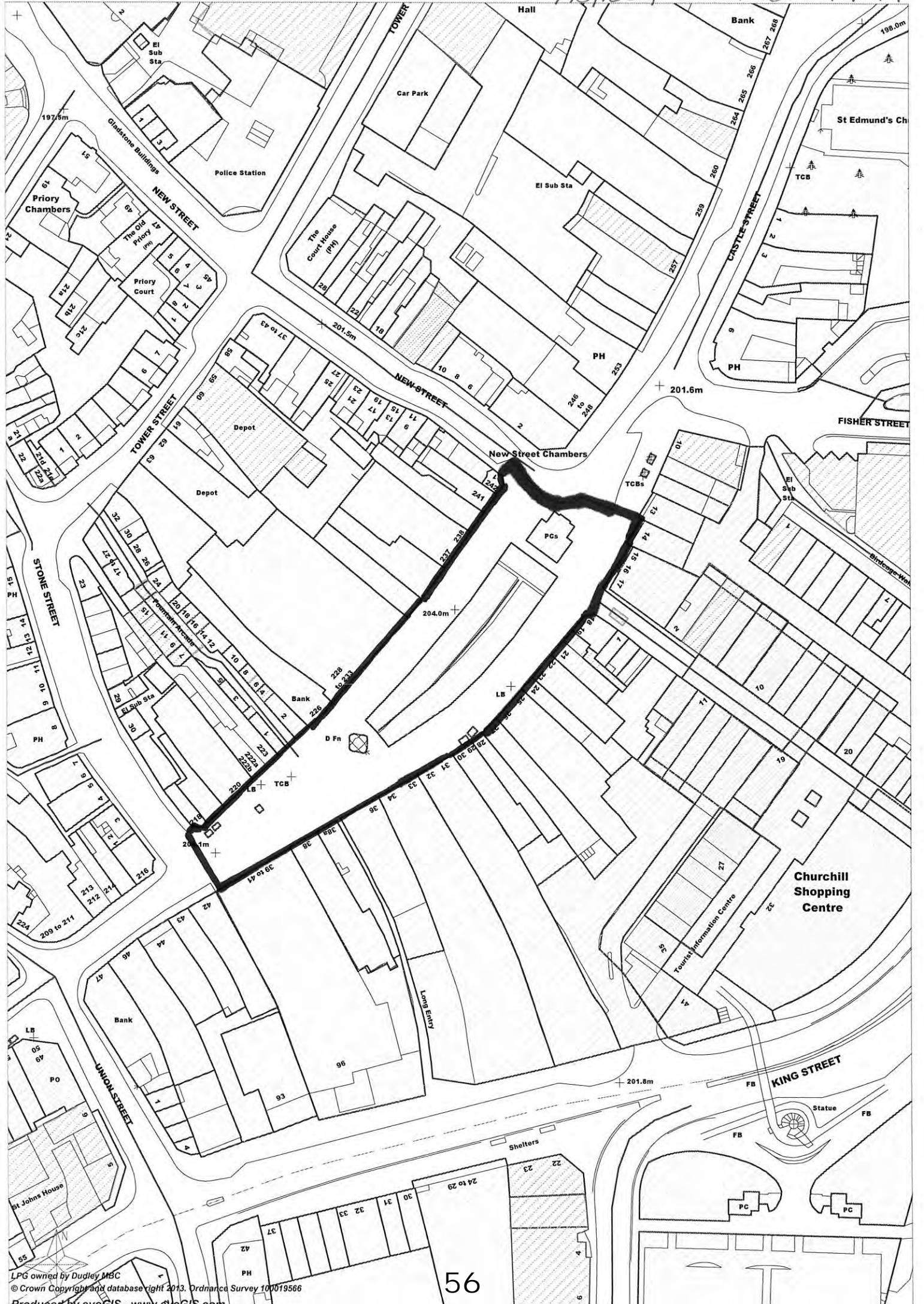
Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drg A100, A150, A200, Phase One Drg H455 A205, Phase Two Drg H455 A206, A250 and A300 Rev A.
3. No works of construction, levels changes, re-grading or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has first been submitted to and approved in writing by the local planning authority. The WSI shall include details of any physical archaeological evaluation works to areas identified as having the potential for archaeological significance and at the appropriate stage details of any subsequent programmes of archaeological recording works required in mitigation of damage to or loss of archaeological remains or proposals for the preservation in situ of archaeological remains. The WSI shall include details of proposed general archaeological monitoring and recording in relation to the ongoing development. Following approval of the WSI all such works will be carried out in accordance with the agreed details.
4. Prior to the commencement of any works, details of the phasing of the temporary market stalls, which establishes these works in context with the wider Market Place improvements shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.
5. Prior to the commencement of any works, details of the traffic management proposals required to facilitate the safe operation of both the retained and temporary market stalls, whilst the wider Market Place improvements take place shall be submitted and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.
6. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, prior to the commencement of development, details

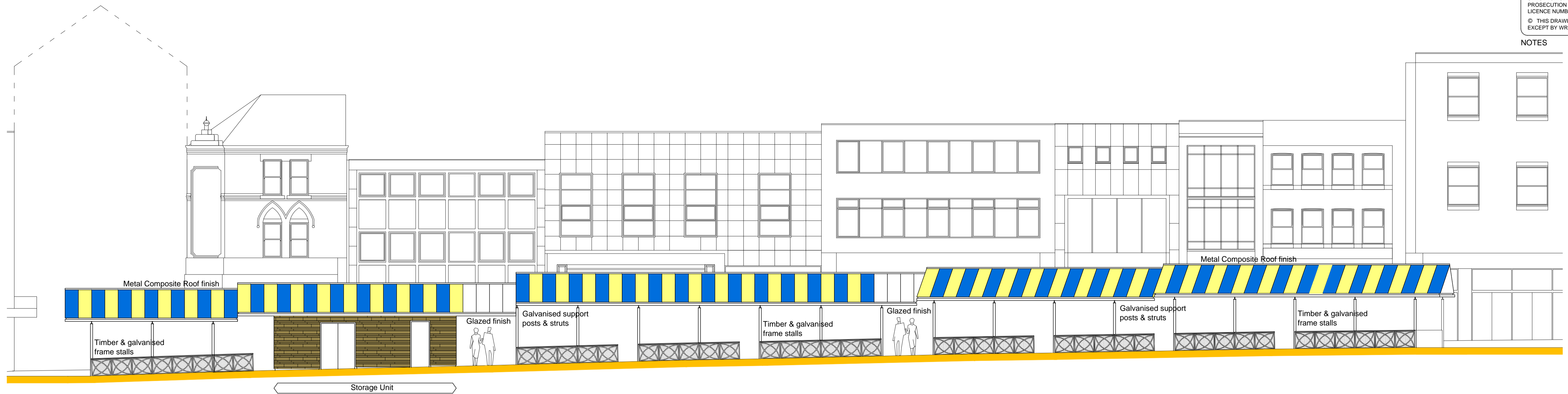
of the types, textures, colours and finishes of all the materials to be used on the external surfaces of the structures hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.

7. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, prior to the commencement of development, full details (in the form of large scale architectural drawings) shall be submitted to and approved in writing by the Local Planning Authority of the proposed galvanized support posts and struts and of the proposed timber and galvanized bases/frames/trestles for the stalls. Details shall also include their proposed colour and finish. The scheme shall be implemented in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development unless otherwise agreed in writing.
8. Notwithstanding the details shown in the submitted drawings and stated in the Design & Access Statement, the stone to be used on the external elevations of the store/wc/pump room shall be natural stone. Full details of the stone and bond shall be submitted to and agreed in writing by the Local Authority prior to the commencement of development. The development shall be implemented in accordance with the agreed details and retained as such for the lifetime of the development.
9. Notwithstanding the details shown in the submitted drawings and stated in the Design and Access Statement, the final position of any clock to be installed and signage to be applied to the structures hereby approved shall be submitted to and approved in writing by the Local Planning Authority.
10. Prior to commencement of development details of the temporary stalls to be erected during the phasing works shall be submitted to and agreed in writing by the Local Planning Authority and such stalls shall thereafter be carried out in accordance with such details.
11. The temporary stalls shall be removed from the site immediately following completion of Phase 2 of the development unless otherwise agreed in writing by the Local Planning Authority.
12. Prior to commencement of development details of the colours for the metal roofs shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with such details be retained in accordance with the agreed details for the lifetime of the development. Prior to the commencement of any works, the legal agreements and licenses required to facilitate trading from the public highway shall be obtained from the licensing authority.



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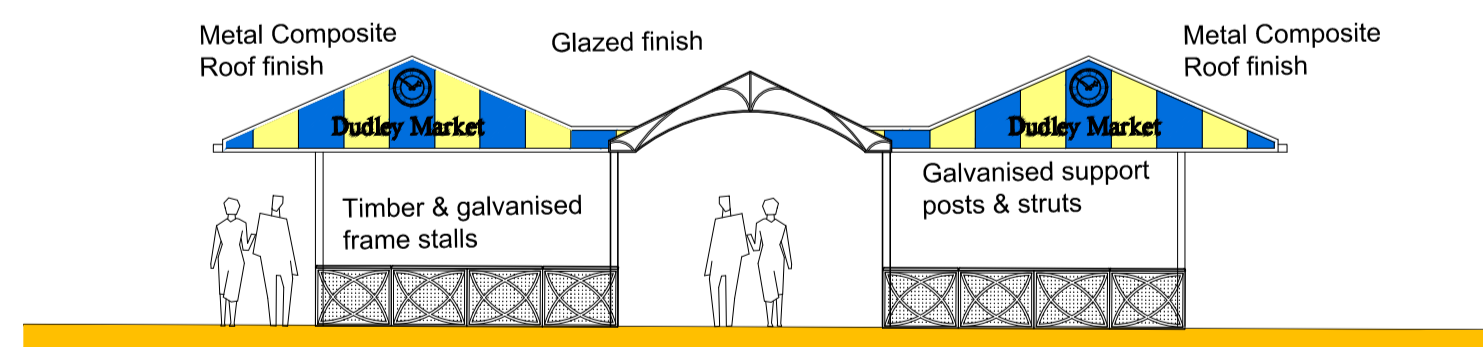
Proposed Market Stall Elevation A



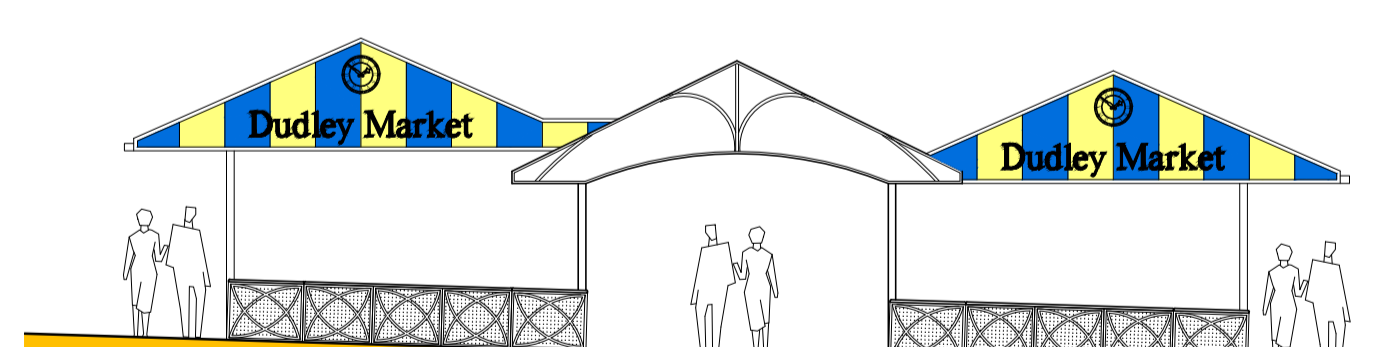
Proposed Market Stall Elevation B



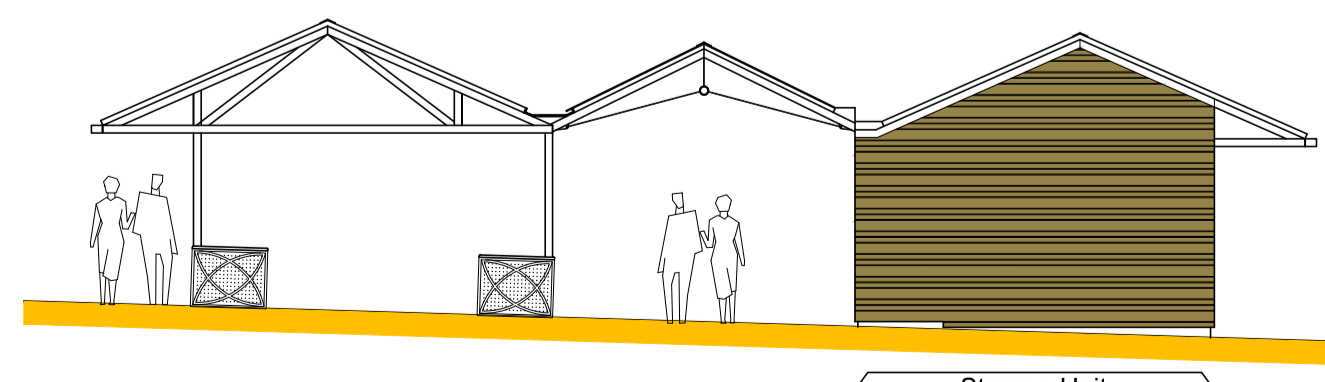
Proposed Market Stall Plan
 scale 1:500



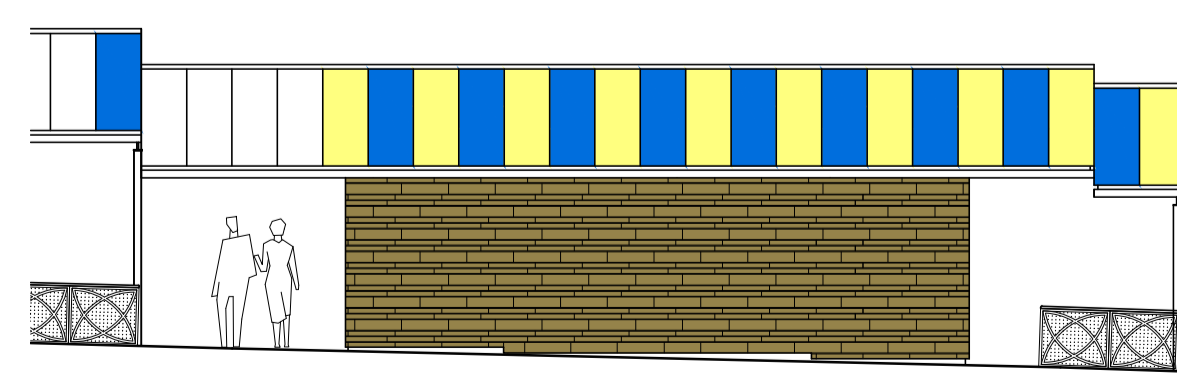
Proposed Market Stall Elevation C



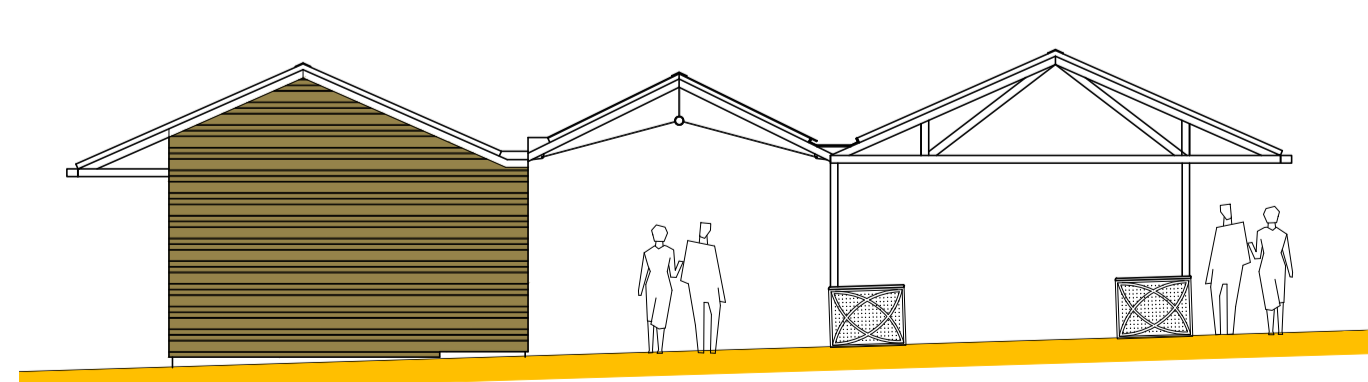
Proposed Market Stall Elevation D



Proposed Storage Unit Internal Elevation



Proposed Storage Unit Internal Elevation



Proposed Storage Unit Internal Elevation

REV	DATE	DESCRIPTION	BY

Construction and Design
 Ward House, Himley Park, Dudley, DY3 4DF
 Directorate of Children's Services
 Dudley Metropolitan Borough Council

PROJECT
Dudley Market Place

DRAWING
Proposed Market Stall Plan Elevations

Scale 1:100	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A300	Revision A1

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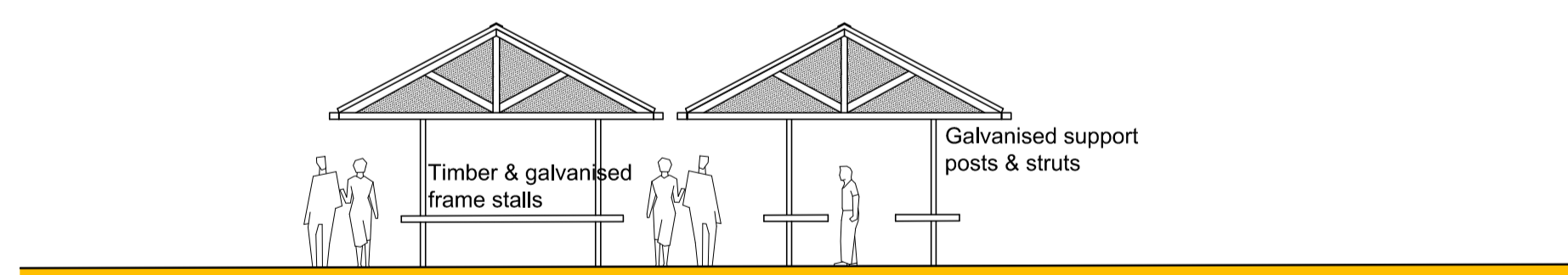
NOTES



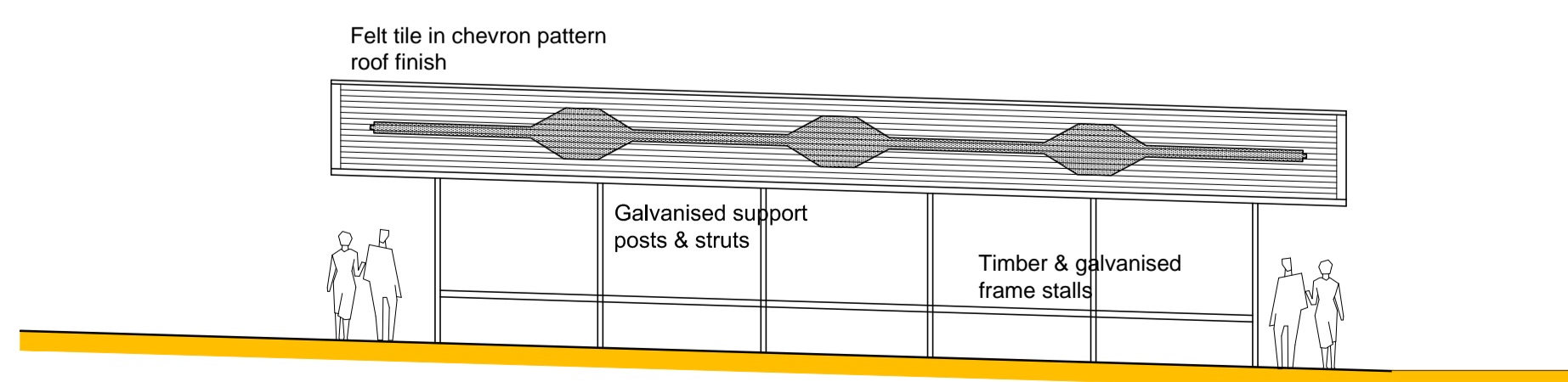
Existing Market Stall Elevation A



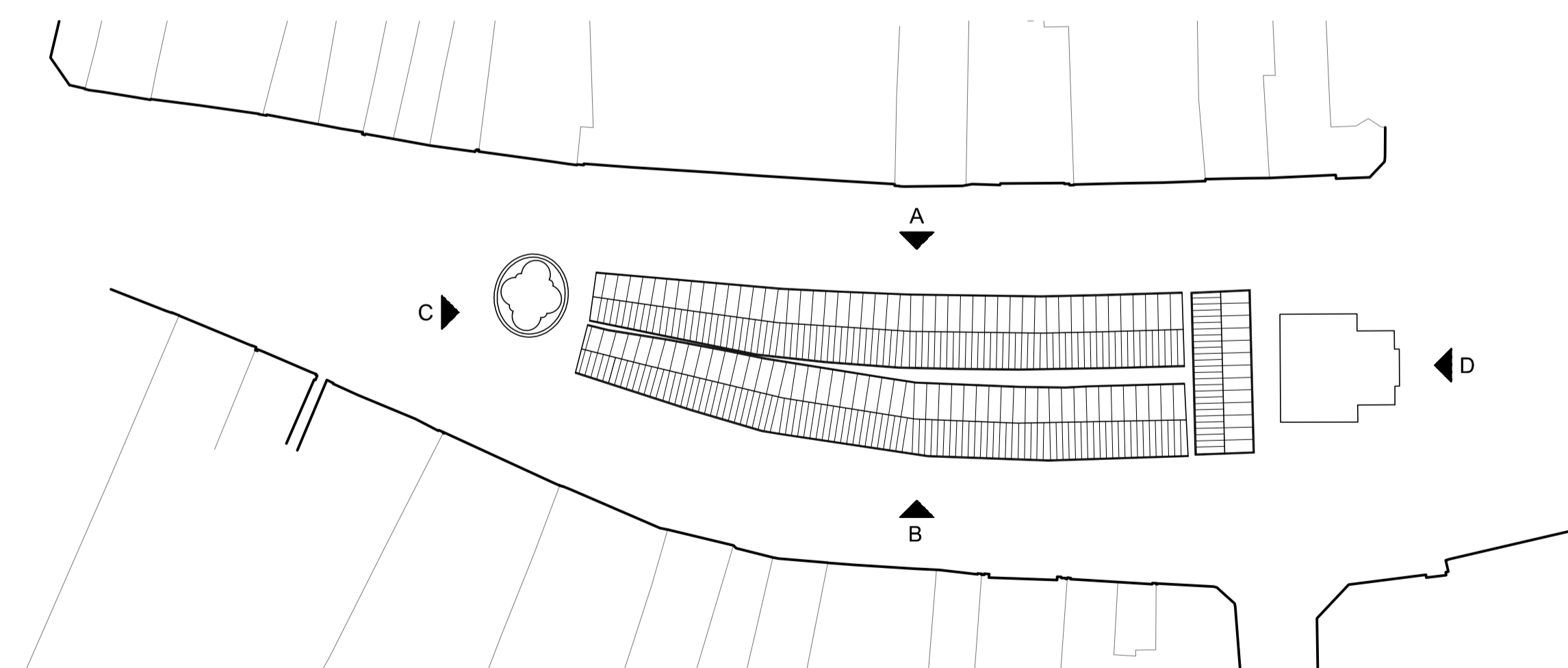
Existing Market Stall Elevation B



Existing Market Stall Elevation C



Existing Market Stall Elevation D



Existing Market Stall Plan

REV	DATE	DESCRIPTION	BY

Construction and Design
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 Directorate of Children's Services
 Dudley Metropolitan Borough Council

PROJECT
Dudley Market Place

DRAWING
Existing Market Stall Plan Elevations

Scale	Date	Drawn
1:100	Sept 13	SF
Job Number	Drawing Number	Revision
H455	A150	.
		Plot Sheet size A1
		A1

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NOTES

**Total Market Stalls
 52 number**

**Temporary Stalls
 12 number**

**New Stalls
 40 number**

**Phase Two
 Construction**

Fountain

Construction and Design
 PRELIMINARY DRAWING
 NOT TO BE USED FOR CONSTRUCTION

REV	DATE	DESCRIPTION	BY

Construction and Design
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 Directorate of Children's Services
 Dudley Metropolitan Borough Council



PROJECT
Dudley Market Place

DRAWING
Phase Two

Scale 1:200	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A206	Revision .
	Plot Sheet size A1	

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NOTES

**Total Market Stalls
 54 number**



Construction and Design
 PRELIMINARY DRAWING
 NOT TO BE USED FOR CONSTRUCTION

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PROJECT
Dudley Market Place

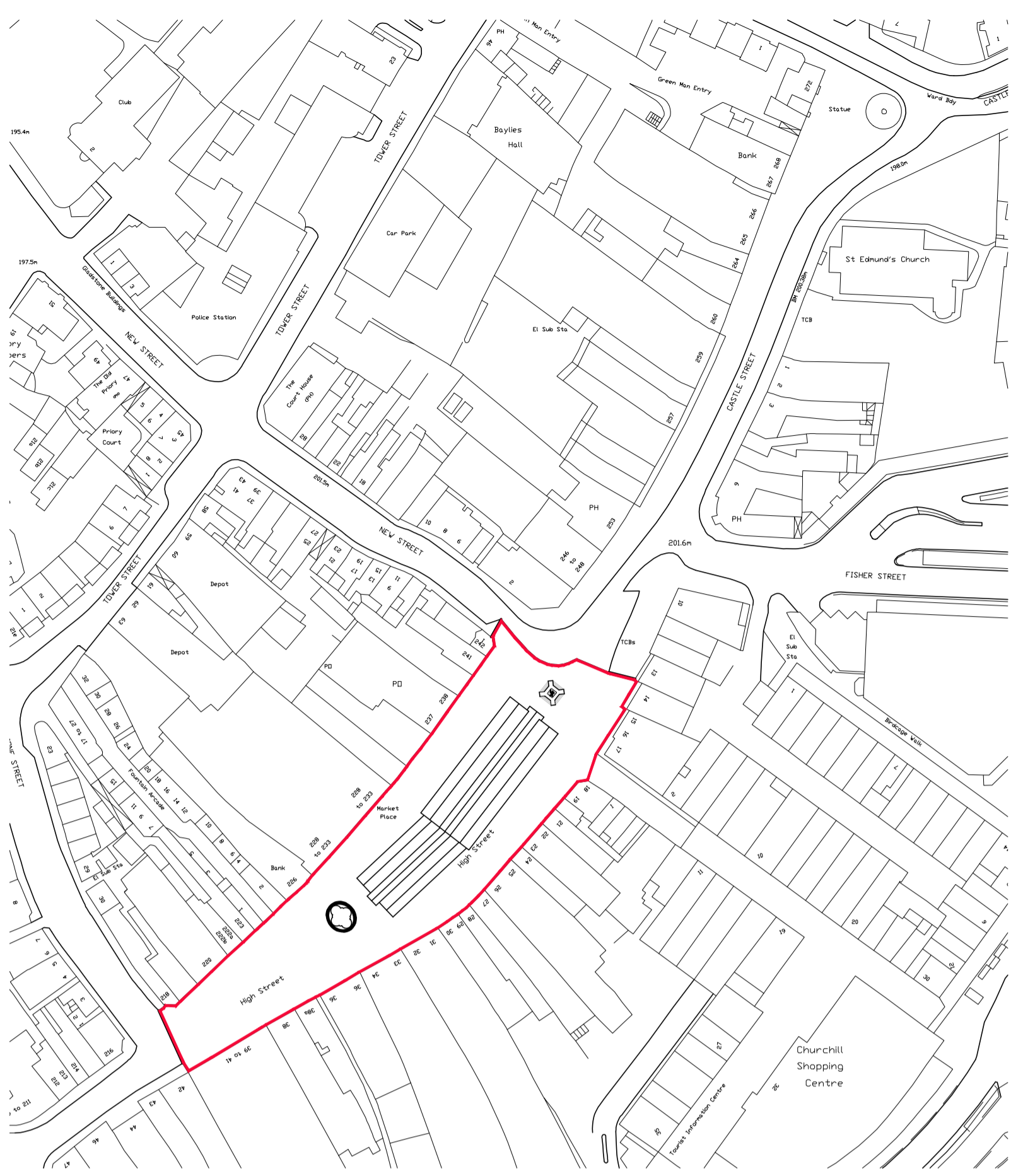
DRAWING
Phase One

Scale	1:200	Date	Sept 13	Drawn	SF
Job Number	H455	Drawing Number	A205	Revision	.
				Plot Sheet size	A1

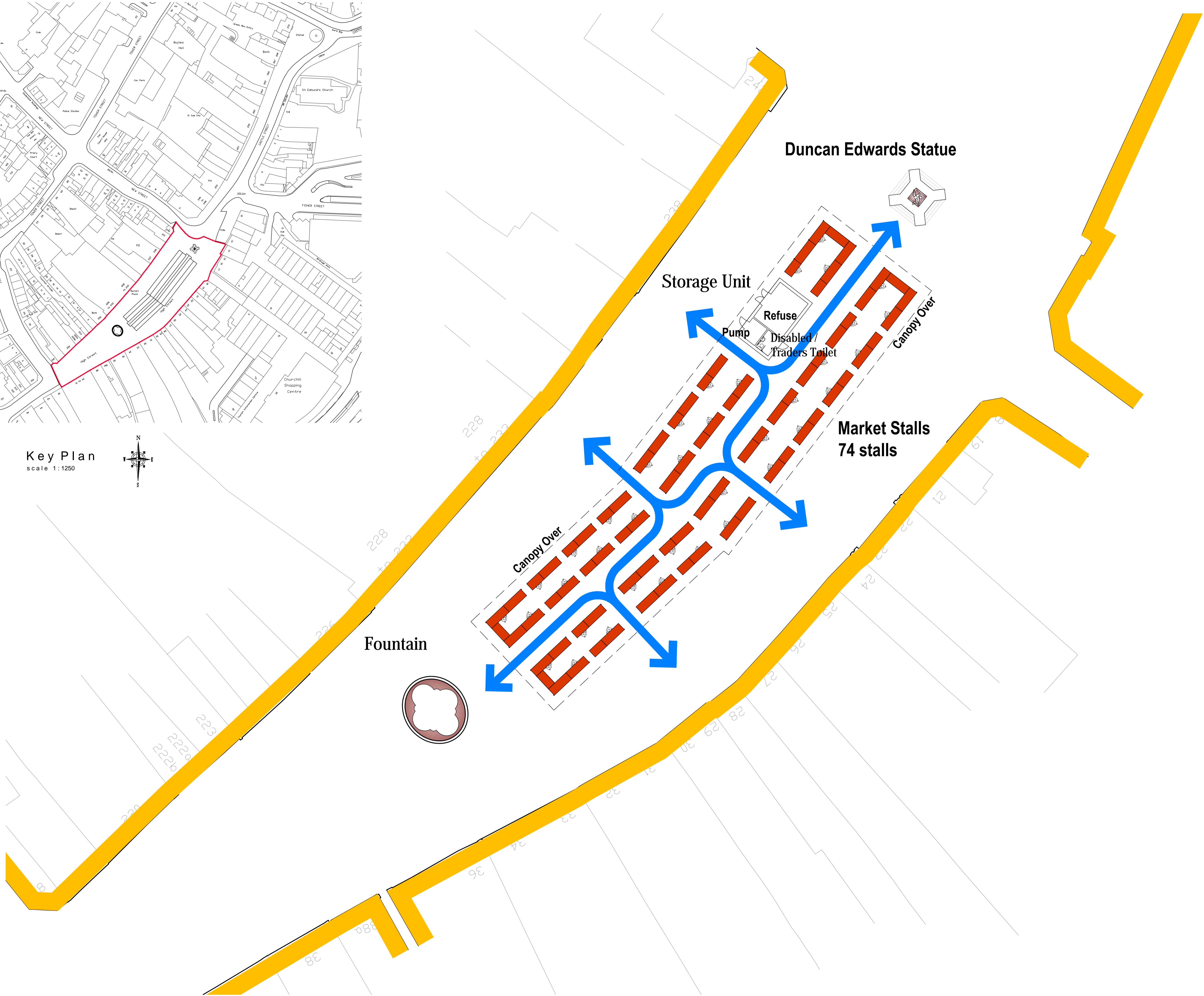
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NOTES

-  Public Access Route
- +203.886 Existing levels maintained, refer to Landscaping details
- Duncan Edwards Statue, subject to separate planning application
- Development in two phases, see drawing number H455/A205 & A206




Key Plan
 scale 1:1250



Construction and Design
 PRELIMINARY DRAWING
 NOT TO BE USED FOR CONSTRUCTION

REV	DATE	DESCRIPTION	BY

Construction and Design
 Ward House, Himley Park, Dudley, DY3 4DF
 Directorate of Children's Services
 Dudley Metropolitan Borough Council



PROJECT
Dudley Market Place

DRAWING
**Proposed Market Stall Plan
 General Arrangement**

Scale 1:200	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A200	Revision .
		Plot Sheet size A1 A1

PLANNING APPLICATION NUMBER:P13/1674

Type of approval sought	Full Planning Permission
Ward	St James's
Applicant	Dudley MBC
Location:	DUDLEY MARKET PLACE AND CASTLE STREET, DUDLEY TOWN CENTRE, DUDLEY
Proposal	VARIATION OF CONDITION 3 OF PLANNING APPROVAL P13/0643 TO BE REVISED TO 'NO CLOSURE OR DEMOLITION OF THE TOILET BLOCK AND STORE SHALL TAKE PLACE UNTIL A PERMANENT REPLACEMENT PUBLIC TOILET FACILITY AND A TEMPORARY STORE WITHIN DUDLEY TOWN CENTRE HAS BEEN PROVIDED AND IS FULLY OPERATIONAL'
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site covers the north eastern end of the Dudley High Street from the junction with Stone Street and includes Castle Street up to the junction with The Broadway and Castle Hill. The site encompasses The Market Place (including the public toilets), Long Entry and The Green Man Entry and is within the medieval part of Dudley Town Centre Conservation Area.
2. The Market Place itself is framed by a number of historic buildings and structures which define the public realm and there are views towards St Edmunds Church to the south west and Dudley Castle to the north east. The Market Place is pedestrianised public realm with open air market stalls, street furniture and some planting together with some public art features including The Duncan Edwards Statue. Castle Street provides a one way traffic system from the central bus terminal and Fisher Street to the east. In addition to the medieval planned town, within the application site and on the edge of the application site there are a number of designated and non-designated heritage assets;

Designated Heritage Assets:

- . The Grade II* Listed fountain.
- a. The Grade II Listed Statue of Lord Dudley which is currently raised on a granite pedestal with stone base.
- b. The Grade II* Listed St Edmunds Church.
- c. Nos. 270-272 Castle Street (Grade II Listed.)
- d. 222-2223 which is currently occupied by River Island and is a 4 storey Grade II Listed Building.

Heritage Assets:

- The Locally Listed Fountain Arcade
- 33-34 High Street which is recorded on the Council's Historic Environment Record (HER 12960)
- 1-3 New Street which is recorded on the Council's Historic Record (HER 4920)
- 2 New Street – which is recorded on the Council's Historic Record (HER 15066)
- 6 Castle Street which is recorded on the Council's Historic Record (HER15067)

PROPOSAL

3. Planning permission was granted for the comprehensive redevelopment of Castle Street and The Market Place under planning approval P13/0643. Condition 3 was attached to this approval which stipulated the following;

*“No closure or demolition of the toilet block and store shall take place until a **permanent** replacement public toilet facility and store within Dudley Town Centre has been provided and is fully operational”.*

4. This application seeks consent to vary the above condition to allow a **temporary** store to be provided within Dudley Town Centre. The application is running

concurrently with application P13/1654 which proposes replacement of the existing market stalls with new market stalls, storage facility, traders toilet and pump room.

HISTORY

5. The recent application submitted in relation to the comprehensive redevelopment of Dudley Market place are listed below;

APPLICATION	PROPOSAL	DECISION	DATE
P13/0643	Refurbishment of Castle Street and Market Place to include demolition of public toilets, raise Earl of Dudley Statue with proposed lighting and relocation of Duncan Edwards Statue	Approved with Conditions	28/06/13
P13/0648	Listed Building Consent to replace 'Green Man Head Sculpture' above entrance archway to Green Man Entry.	Approved with Conditions	29/07/13
P13/0649	Conservation Area Consent for demolition of existing public toilets in Dudley Market Place	Approved with Conditions	29/07/13
P13/0650	Listed Building Consent to raise the Earl of Dudley Statue and to construct new raised grass surround and proposed lighting.	Approved with Conditions	29/07/13
P13/0647	Listed Building Consent to install facade up lighting at first floor level at 222a-223 High Street, Dudley	Approved with Conditions	29/07/13
P13/1287	Change of use from retail (A1) to public toilets (OSG) with new front stone façade and gated entrance at 256 Castle Street Dudley.	Approved with Conditions	19/11/13
P13/1654	Redevelopment of Dudley Market to place to replace existing stalls with new market stalls, storage facility, traders toilet and pump room building and provision of temporary stalls during the phased development.	Also on this agenda	

PUBLIC CONSULTATION

6. A site notice has been displayed and a notice placed in the local press with the final date for receipt of representations being 4th January 2013. Any observations received prior to the Committee meeting will be reported in a pre-committee note.

OTHER CONSULTATION

7. None required

RELEVANT PLANNING POLICY

National Planning Policy Framework (2012) (NPPF)

Specifically Chapter 12, Conserving and enhancing the historic environment.
PPS5 – Planning for Historic Environment Practice Guide

Black Country Core Strategy (2011) (BCCS)

- CSP1 The Growth Network
- CSP4 Place Making
- CEN4 Regeneration of Town Centres
- EMP6 Cultural Facilities and the Visitor Economy
- ENV2 Historic Character and Local Distinctiveness
- ENV3 Design Quality

Saved Unitary Development Plan Policies (2005) (UDP)

- DD1 Urban Design
- DD4 Development in Residential Areas
- DTC1 Thoroughfares and Public Spaces
- DTC2 Street Blocks
- HE4 Conservation Areas
- HE5 Buildings of Local Historic Importance
- HE6 Listed Buildings
- HE11 Archaeology and Preservation

Supplementary Planning Guidance/Documents

- Historic Environment Supplementary Planning Document (2006)
- Dudley Town Centre Area Development Framework (2005) (ADF)
- Parking Standards and Travel Plans Supplementary Planning Document
- Dudley Town Centre Conservation Area Character Appraisal
- Dudley Town Centre Conservation Area Management Plan

ASSESSMENT

8. Key issues;

- Policy Background and History
- Principle

Policy Background and History

9. The Dudley Town Centre Area Development Framework (ADF) was adopted by the Council as Supplementary Planning Guidance (SPG) in December 2005 and presents a vision, development strategy and illustrative development framework. The ADF recognises that the design, quality and appearance of the public realm is an important component in defining the character of a place and is vital to attracting and sustaining investment. The Market Place is identified as one of the five key public realm projects which are prioritised for action and is a key site within the medieval part of the town centre. The key aims identified within the ADF for the public realm around the market place are to restore and enhance its identity as the heart of Medieval Dudley. In order to achieve this, it is important to reinforce the linearity of the space, emphasising its role as part of the medieval spine and the main route towards the castle.

10. Saved Policy HE4 of the UDP states that the Council will safeguard approved Conservation Areas, and that proposal for inappropriate alteration of buildings or proposals for works which could be detrimental to their character or setting will be resisted. This policy also requires any new development to respect the historical or vernacular building character, proportion, massing and relationship between buildings and the spaces between them and with their setting. Saved Policy HE6 of the UDP states that the Council will safeguard and encourage the appropriate

enhancement of buildings statutory listed as being of historic or architectural value. Policy E NV2 of the BCCS states that all proposals should aim to sustain and conserve the historic aspects of the civic, religious and commercial core of the principal settlements of medieval origin such as Dudley.

11. Over the past 15 years, Dudley Town Centre has suffered economic decline and the proposal forms part of a comprehensive regeneration initiative. To this end, Dudley Metropolitan Borough (DMBC) submitted an outline bid to ERDF for £ 2.61m of European funding to deliver this vision. The project which is known as 'Dudley Town Centre Public Realm and Ambassador Project' aims to;

“significantly enhance the image and perception of Dudley Town Centre, help accelerate development, lever in investment, improving existing business, reverse economic decline and re-develop 0.9ha of brownfield land”.

Overall the project will have a significant beneficial impact upon the town centre which will complement and enhance other development projects within and adjacent to the town. The proposal forms a significant part of this regeneration initiative which is in the wider public interest.

Principle

12. Replacement of the market stalls proposed under P13/1654 would be carried out in two phases to reduce the impact of the proposed works on market traders and shoppers and to allow the separation of construction traffic from the market.

- . **Phase One** would involve the demolition of the existing toilet block and store (granted consent under previous applications) and the erection of 42 new market stalls, a replacement traders store, an accessible toilet and pump room for the fountain. A proportion of the existing stalls would be removed with 29 retained and up to 25 temporary stalls erected on the current events area to the south western end of the site.
- a. **Phase Two** would involve the erection of 12 temporary market stalls within the area given over for the relocation of the Duncan Edwards Statue.

Construction traffic would be moved to the High street end of the site and the remainder of the stalls would be erected.

13. The details submitted with the applications indicate that the new public toilets at 256 Castle Street (ref: P13/1287) will be fully operational before the existing toilet block and store is demolished. The permanent replacement store would, however, form an integral part of the proposed replacement market stalls and would be erected during Phase One of the works after the existing toilet block and store is demolished. Whilst the revised wording would secure the provision of a temporary store, it is deemed appropriate to attach another condition ensuring that the temporary store is not removed until a permanent replacement store is provided within Dudley Market Place.

CONCLUSION

14. The comprehensive refurbishment of Dudley Market Place would preserve and enhance the character and appearance of the Conservation Area and respect the setting and integrity of the heritage assets. Whilst there is a need for a permanent replacement store within Dudley Town Centre, the phased approach to the proposed replacement market stalls is necessary and the proposed variation to condition 3 of Planning approval P13/0643 would allow for works to take place within the order necessary to deliver this landmark regeneration project which is in the wider public interest. In this respect the proposal therefore complies with saved Policy HE4 and HE6 of the Dudley UDP, Policy ENV2, EMP6, CEN4 and CSP4 of the Black Country Core Strategy and The Dudley ADF (2005).

RECOMMENDATION

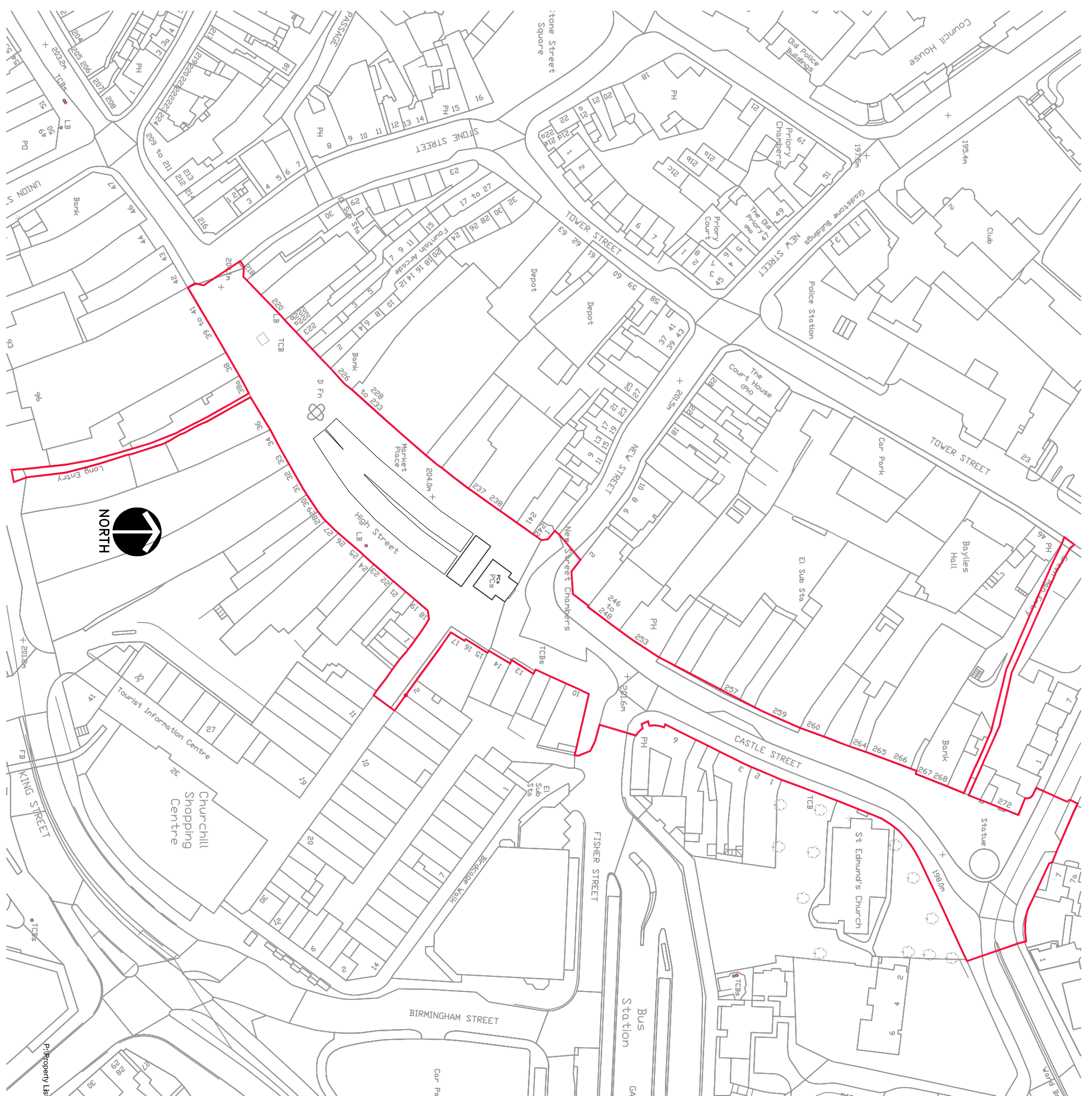
15. It is recommended that the application is APPROVED subject to the conditions set out within the original consent and an additional condition to secure a permanent store;

Approval Statement Informative

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: LP1 Revision B 15.05.2013, ED1 Revision D 06.06.2013 and The details shown in the Document entitled Dudley Market Place Project Project Ref: M300 Planning Application Dec. 2012 - Public Artwork.
3. No closure or demolition of the toilet block and store shall take place until a permanent replacement public toilet facility and temporary store within Dudley Town Centre has been provided and is fully operational.
4. The temporary store required by Condition 3 shall not be removed until a permanent replacement store is provided within Dudley Town Centre and is fully operational. Such store shall be removed when the permanent store is operational
5. No work involving ground disturbance or demolition shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the local planning authority.
6. Prior to the commencement of development details of the type, texture and colour of the materials to be used for the stepped plinth of the Duncan Edwards Statue shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development.
7. Notwithstanding the details shown on the submitted plans, development shall not commence until large scale architectural drawings (to a scale of not less than 1:20) have been submitted to and approved in writing by the local planning authority of the proposed stone stepped plinth.



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 APPROVED CONSTRUCTION
 DRAWING

REV	DATE	DESCRIPTION	BY

Construction and Design
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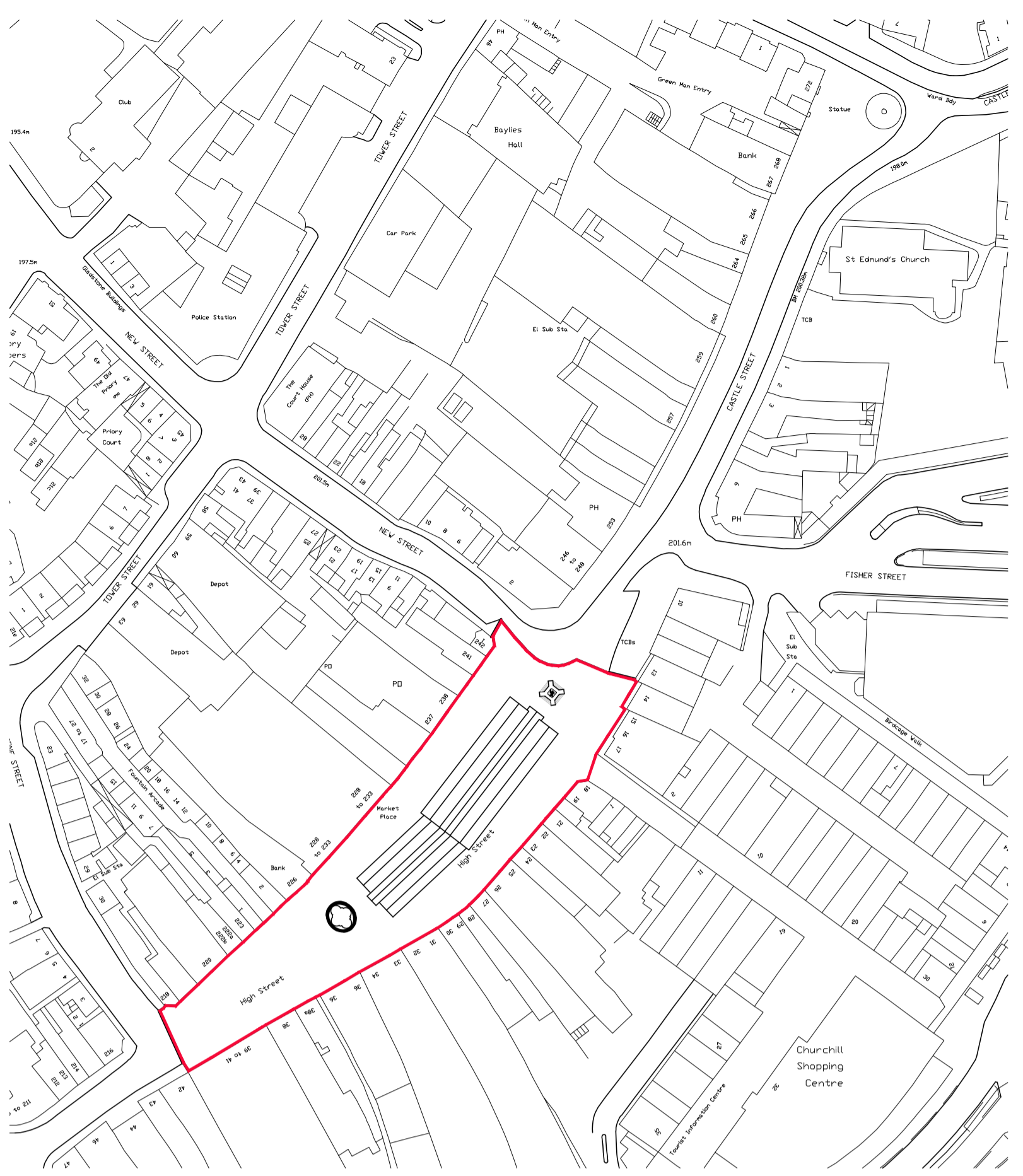
PROJECT
 Dudley Market Place
DRAWING
 Location Plan

Scale	1:1250	Date	Nov 2013	Drawn	SF
Job Number	AMPH455	Drawing Number	A900	Revision	A3

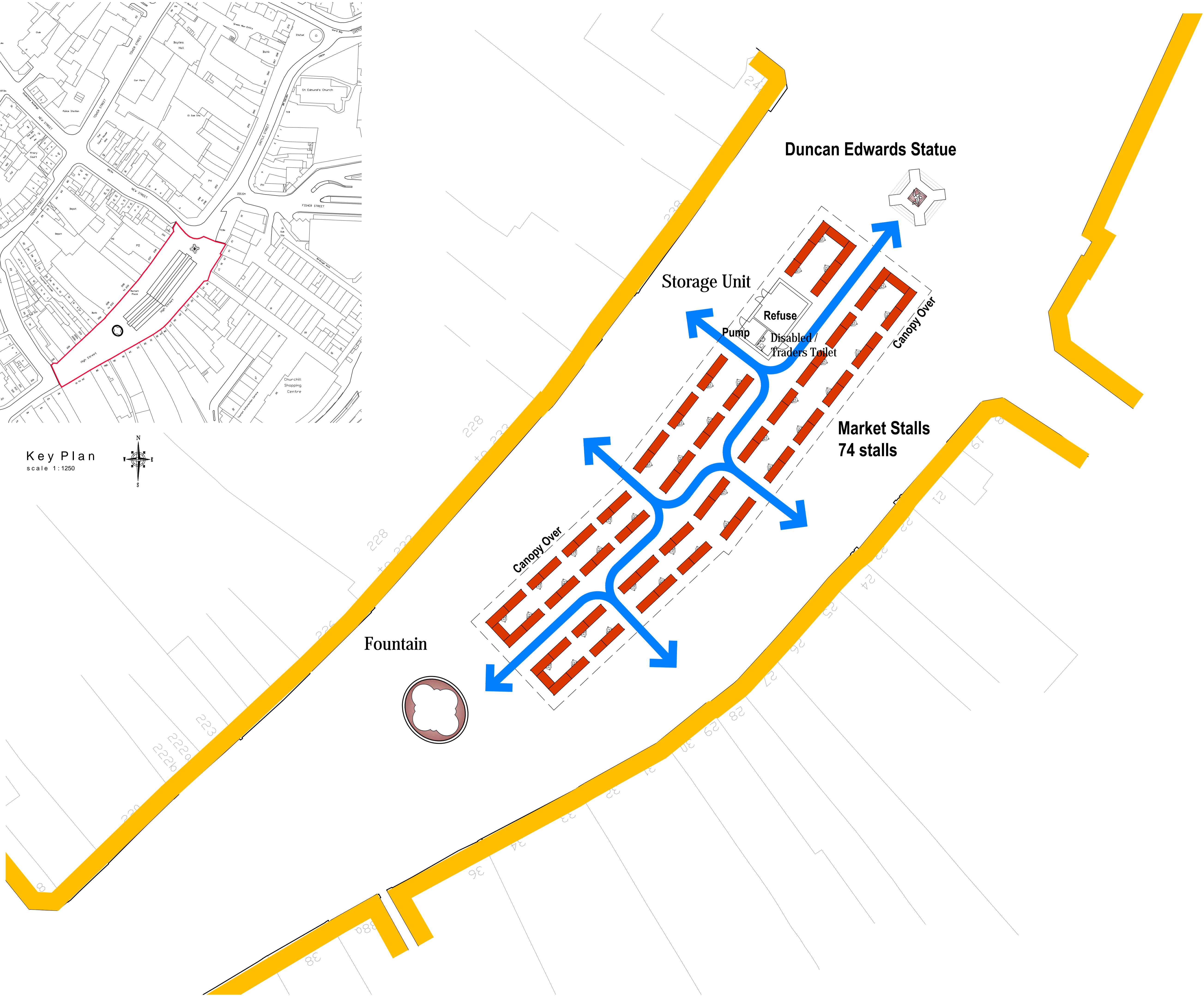
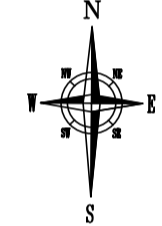
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NOTES

-  Public Access Route
- +203.886 Existing levels maintained, refer to Landscaping details
- Duncan Edwards Statue, subject to separate planning application
- Development in two phases, see drawing number H455/A205 & A206




Key Plan
 scale 1:1250



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Construction and Design
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 Directorate of Children's Services
 Dudley Metropolitan Borough Council



PROJECT
Dudley Market Place

DRAWING
**Proposed Market Stall Plan
 General Arrangement**

Scale 1:200	Date Sept 13	Drawn SF
Job Number H455	Drawing Number A200	Revision .
		Plot Sheet size A1 A1

PLANNING APPLICATION NUMBER:P13/1680

Type of approval sought	Advertisement
Ward	Brockmoor & Pensnett
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT TANSEY GREEN ROAD/STALLINGS LANE, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY 3 NO. NON-ILLUMINATED SPONSORSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a vehicular roundabout at the junction of Oak Lane, Stallings Lane and Tansey Green Road in Pensnett.
2. The surrounding area is a mix of residential and industry, with the new Taylor Wimpey estate, an established row of 6 semi detached houses at the junction and a haulage yard and brick works in the immediate area.
3. There are 3 existing circular directional signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 3 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.
5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone

number, address). The signs would also includes a strip stating “*In Partnership with Dudley Metropolitan Borough Council*”

6. The signs would be located opposite the roundabout entrances from Oak Lane, Stallings Lane and Tansey Green Road,
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites thought out the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1270	Display 4 No non illuminated signs on highway island	Refused	13/07/05
P05/1784	Display 3 No non illuminated signs on highway island	Refused	21/09/05

10. The application P05/1270 was refused for the following reason:

1. The proposed advertisements do not comply with Planning Policy Guidance Note 19, Policy DD14 of the Revised Deposit Dudley Unitary Development Plan or Planning Guidance Note 11 Advertisement Display Guide by reason of the proliferation of signs proposed and the resultant harm to the visual amenity of the surrounding area due to the visual clutter and intrusion.

11. The application P05/1784 was refused for the following reason:

1. The proposed advertisements do not comply with Planning Policy Guidance Note 19, Policy DD14 of the Revised Unitary Development Plan and SPG PGN11 Advertisement Display Guide by reason of the proliferation of signs proposed and the

resultant harm to the visual amenity of the surrounding area due to the visual clutter and intrusion. Further, the quality of signs proposed would be likely to cause a danger to highway safety, contrary to UDP Policy AM1.

PUBLIC CONSULTATION

12. None required.

OTHER CONSULTATION

13. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

14. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

15. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
16. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“ The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

17. As set out in the planning history 2 previous applications have been refused with concerns relating to visual harm and amenity.
18. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
19. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 914mm by 458mm compared to other signage associated with road junctions means any impact that they have would be limited.
20. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

21. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
22. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
23. The recorded accident history at this junction is higher than the accepted accident rate.
24. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

25. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in

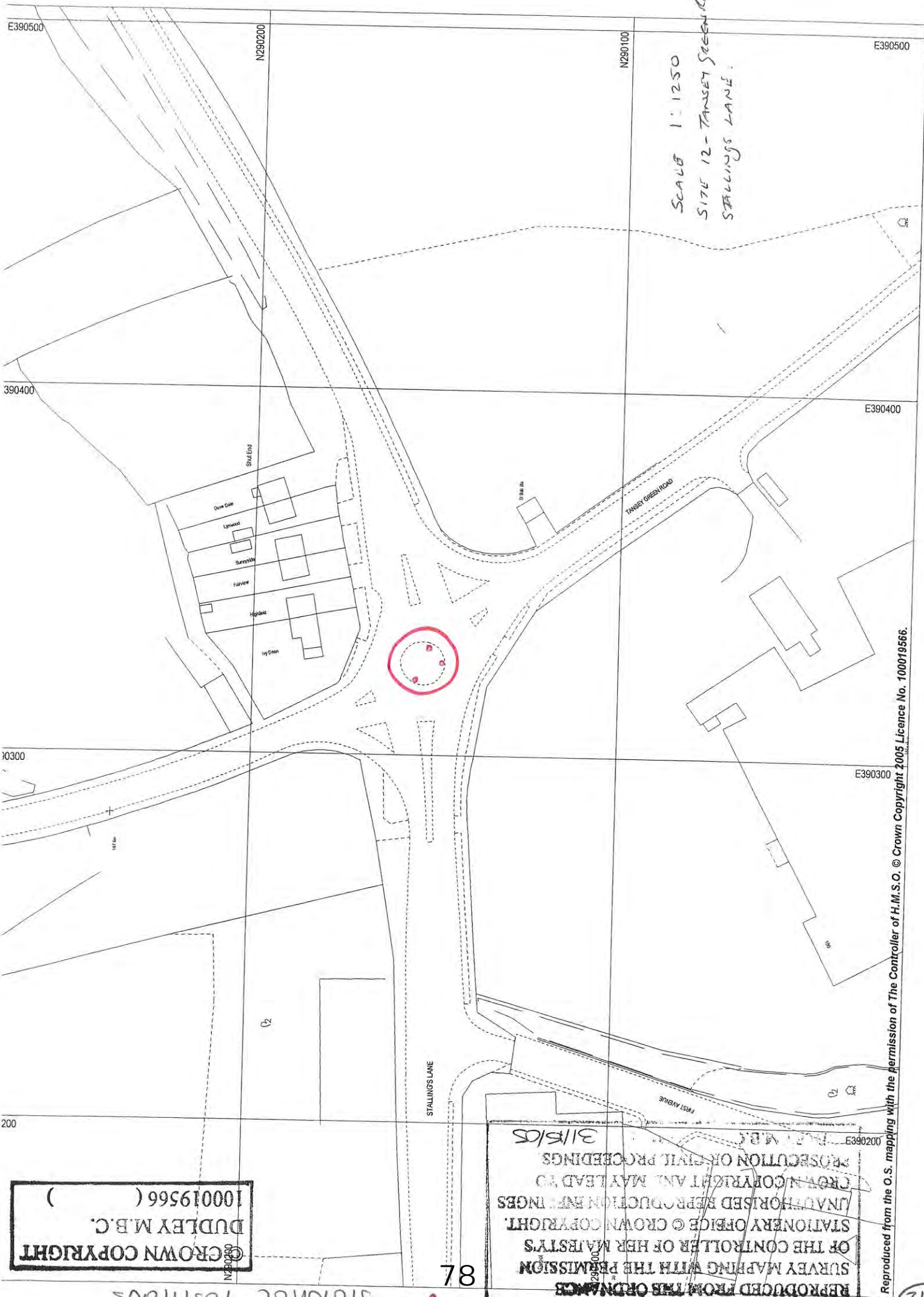
relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



SCALE 1:1250
 SITE 12 - TANSEY GREEN (contd)
 STALLINGS LANE.

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Dudley MBC - Roundabout Sponsorship Development Proposal

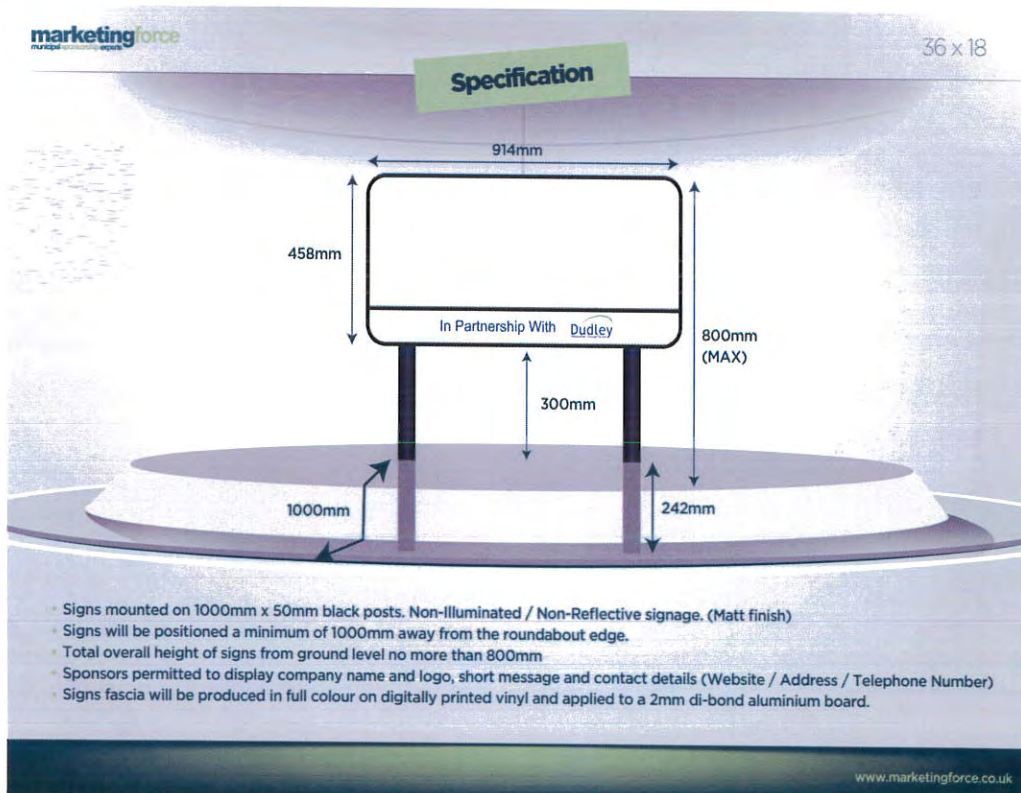
Site 12 – Tansey Green Road/Stallings Lane, Dudley
Previously refused advertising consent – propose 3 signs

Appendix 2



Total 3 signs:-

- 1 sign at entrance Stallings Lane – consent refused
- 1 sign at entrance B4175 Cinder Road – consent refused
- 1 sign at entrance Tansey Green Road – consent refused



PLANNING APPLICATION NUMBER: P13/1681

Type of approval sought	Advertisement
Ward	Halesowen South Belle Vale
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT QUEENSWAY/HAGLEY ROAD, HALESOWEN, WEST MIDLANDS
Proposal	DISPLAY 4 NO. NON-ILLUMINATED SPONSORSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Queensway, Hagley Road and Hagley Street on the edge of Halesowen town centre.

- 2 The surrounding area is mostly commercial although, there are some residential uses close by. There are a number of traffic signs on and around the roundabout.

PROPOSAL

- 3 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship measuring 1016mm by 508 mm mounted on two black posts 810mm high. Each sign would be set in at least 1 m from the edge of the carriageway.

- 4 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 5 The signs would be located opposite the roundabout entrances from Queensway (both entrances), Hagley Road and Hagley Street.
- 6 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 7 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

- 8 None.

PUBLIC CONSULTATION

- 9 None.

OTHER CONSULTATION

- 10 Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control

- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 11 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 12 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 13 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 14 The application site, a traffic roundabout, is located in a principally commercial area, on the edge of Halesowen town centre. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (1016mm by 508mm) and the comparatively large size of the roundabout in question.

- 15 In addition the application site or immediate environs are not subject of designations where such a signage could not be considered to be harmful to amenity.

Public Safety

- 16 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 17 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and as there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 18 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 19 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable

development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

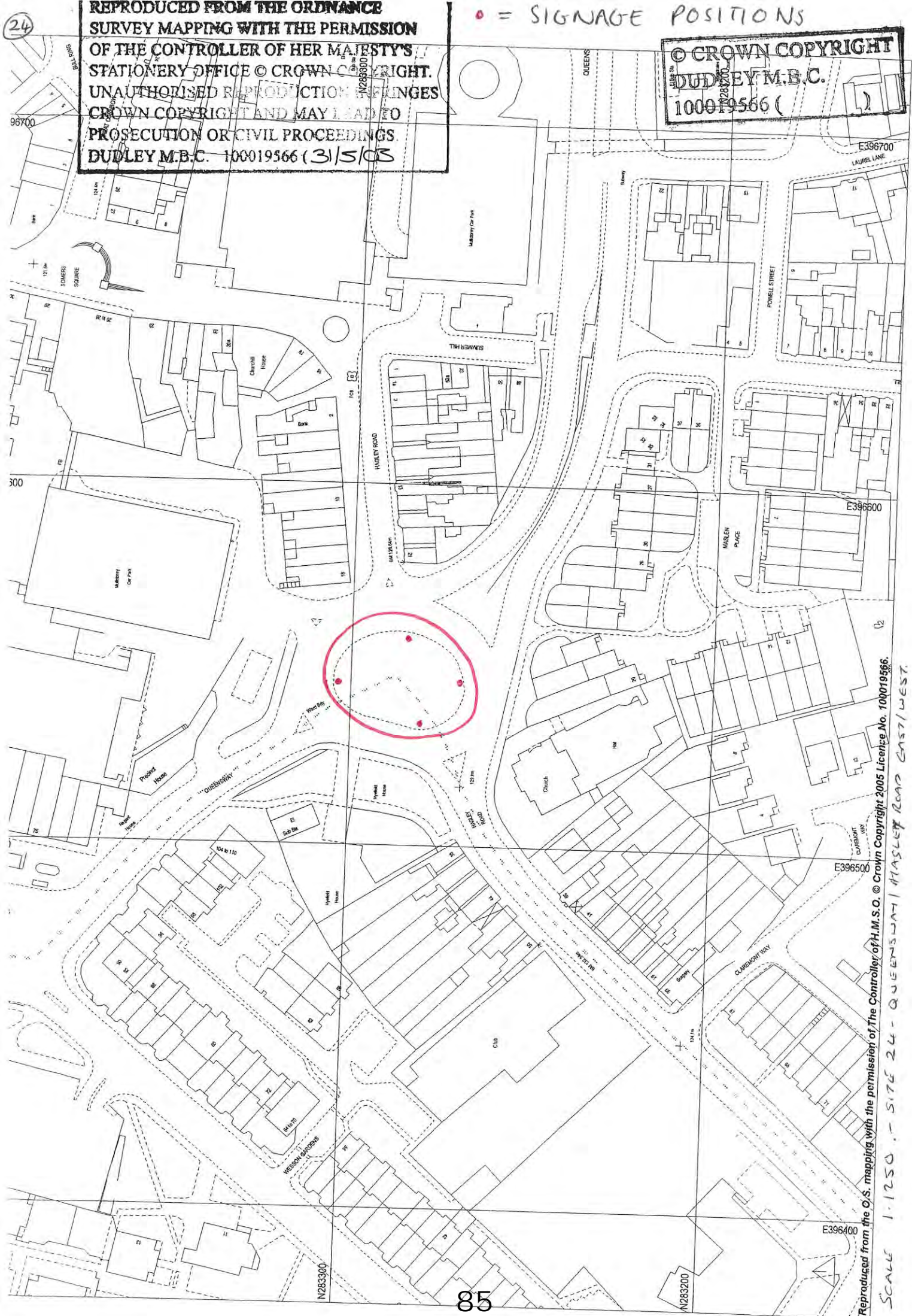
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2

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SCALE 1:1250 - SITE 24 - QUEENSWAY / HAVELLY ROAD EAST/WEST.

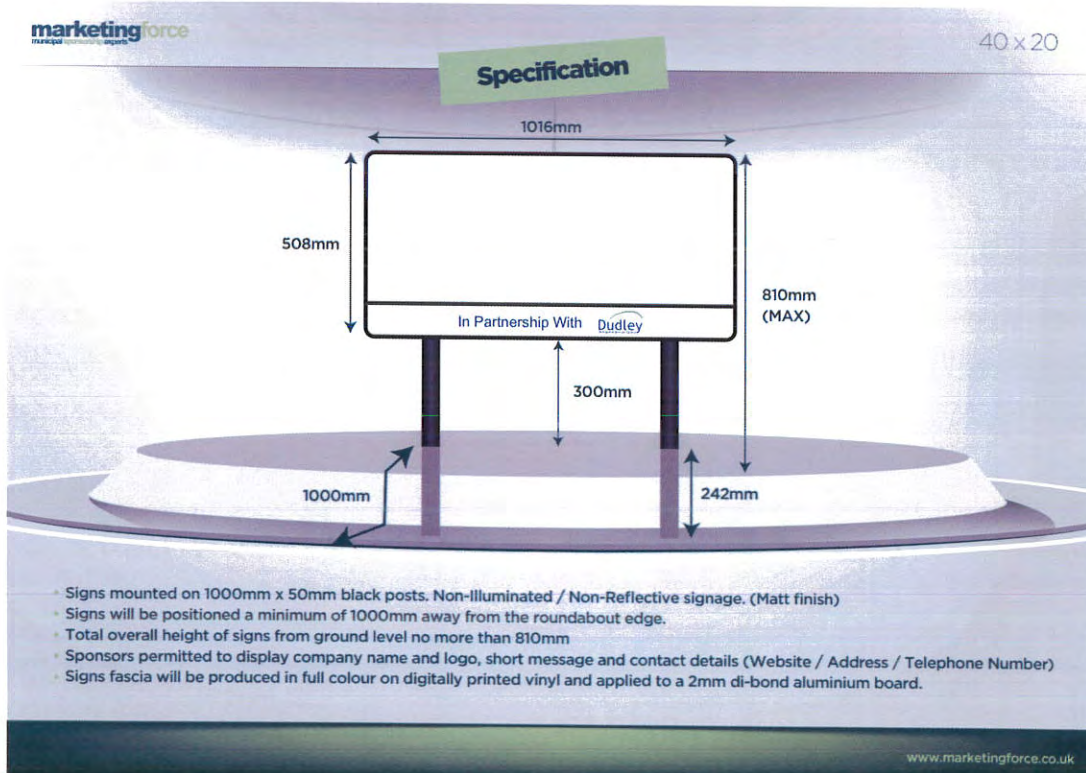
Dudley MBC - Roundabout Sponsorship Development Proposal

Site 24 – Queensway/Hagley Road, Halesowen
Previously refused advertising consent

Appendix 2



- Total 4 signs:-
1 sign at entrance Queensway
1 sign at entrance Queensway
1 sign at entrance Hagley Road West
1 sign at entrance Hagley Road East



PLANNING APPLICATION NUMBER:P13/1682

Type of approval sought	Advertisement
Ward	Belle Vale
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT STOURBRIDGE ROAD AND FURNACE LANE, HALESOWEN, WEST MIDLANDS
Proposal	DISPLAY OF 4 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a large landscaped vehicular roundabout at the junction of Stourbridge Road, New Road, Earls Way, Grammar School Lane, Furness Lane and High Street on the edge of Halesowen town centre.

- 2 The surrounding area includes a mix of residential and commercial uses, including a club, a listed public house, a school and offices. There are a number of traffic signs on and around the vicinity of the roundabout.

PROPOSAL

- 3 This is an application under the advertisement regulations for the provision of roundabout sponsorship signs measuring 1219mm by 508mm mounted on two black posts 810mm high. Each sign would be set in at least 1m from the edge of the carriageway.

- 4 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 5 The signs would be located opposite the roundabout entrances from New Road, Stourbridge Road, High Street and Grammar School Lane.
- 6 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 7 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

- 8 None.

PUBLIC CONSULTATION

- 9 None

OTHER CONSULTATION

- 10 Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than normal accident rate, although it is recognised that there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 11 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 12 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 13 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 14 The application site, a traffic roundabout, is located in a principally commercial area, on the edge of Halesowen town centre. It is not considered that the proposed signs would be harmful to amenity, particularly due to the modest size of the signs, 1219mm by 508mm, and the comparatively large size of the roundabout in question.

- 15 To the south west side of the roundabout is the George Inn. This building is a Grade II listed two storey 18th Century public house and as such its setting needs to be considered.
- 16 In this case, however, due to the modest nature of the proposed signs it is not considered that they would have any adverse impact on the setting of the building.

Public Safety

- 17 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 18 The Highways Authority maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs on traffic islands cause accidents, the Highway Authority does maintain concerns in relation to road accidents and in particular, vulnerable road users.
- 19 The recorded accident history at this junction is higher than the normal accident rate.
- 20 In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

- 21 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

22 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

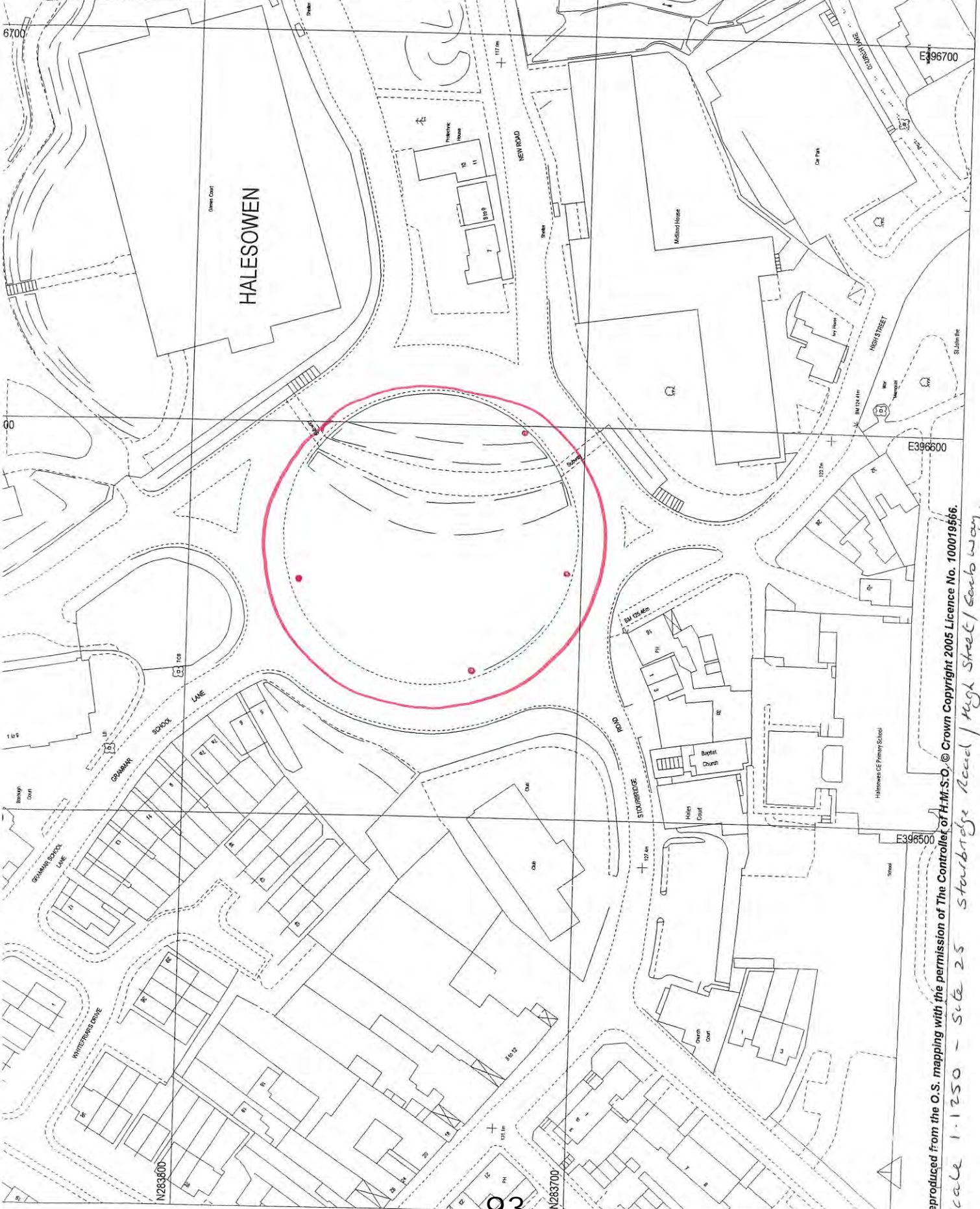
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2

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Scale 1:1250 - site 25 Starbridge Road / High Street / Gorbway.

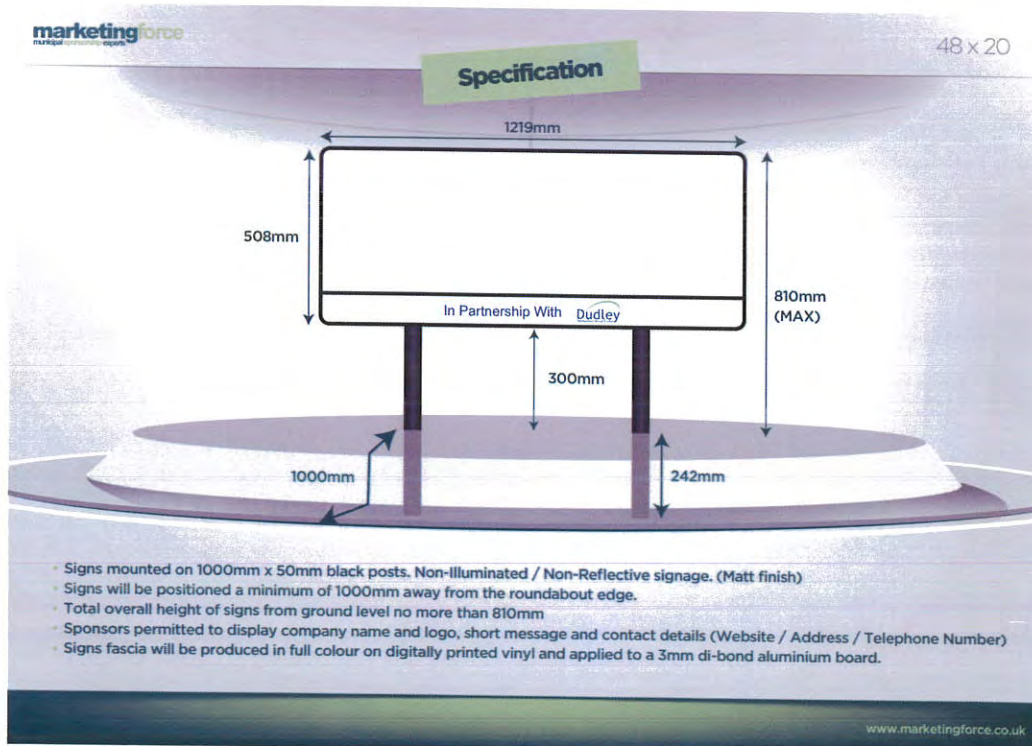
Site 25 – Stourbridge Road/High Street/Earls Way, Halesowen
Propose 4 signs

Site 25 - High St entrance



Total 4 signs:-

- 1 sign at entrance Stourbridge Road
- 1 sign at entrance New Road
- 1 sign at entrance High Street
- 1 sign at entrance Grammar School Lane



PLANNING APPLICATION NUMBER: P13/1683

Type of approval sought	Advertisement
Ward	Halesowen North Halesowen South Belle Vale
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT DUDLEY ROAD AND MUCKLOW HILL, HALESOWEN, WEST MIDLANDS
Proposal	DISPLAY OF 4 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a large landscaped vehicular roundabout at the junction of Mucklow Hill, Bromsgrove Street, Dudley Road and Earls Way on the edge of Halesowen town centre.

- 2 The surrounding area is mostly commercial, with a college, hotel offices and a substation facing onto the roundabout. There are a number of traffic signs on and within the vicinity of the roundabout.

PROPOSAL

- 3 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs measuring 1219mm by 508mm mounted on two black posts 810mm high. Each sign would be set in at least 1m from the edge of the carriageway.

- 4 The proposed advertisement signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 5 The signs would be located opposite the roundabout entrances from Mucklow Hill, Bromsgrove Street, Earls Way and Dudley Road.
- 6 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 7 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

- 8 None

PUBLIC CONSULTATION

- 9 None

OTHER CONSULTATION

- 10 Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although it is recognised there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 11 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 12 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 13 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 14 The application site, a traffic roundabout, is located in a principally commercial area, on the edge of Halesowen town centre. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs, 1219mm by 508 mm, and the comparatively large size of the roundabout in question.

- 15 In addition the application site or immediate environs are not subject of designations where such a sign could be considered to be harmful.

Public Safety

- 16 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 17 The highways authority maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs on traffic islands cause accidents, the Highway Authority does maintain concerns in relation to road accidents and in particular, vulnerable road users.
- 18 The recorded accident history at this junction is higher than the normal accident rate.
- 19 In the interests of public safety the Highway Authority would wish to raise safety concerns regarding this application.

CONCLUSION

- 20 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

21 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

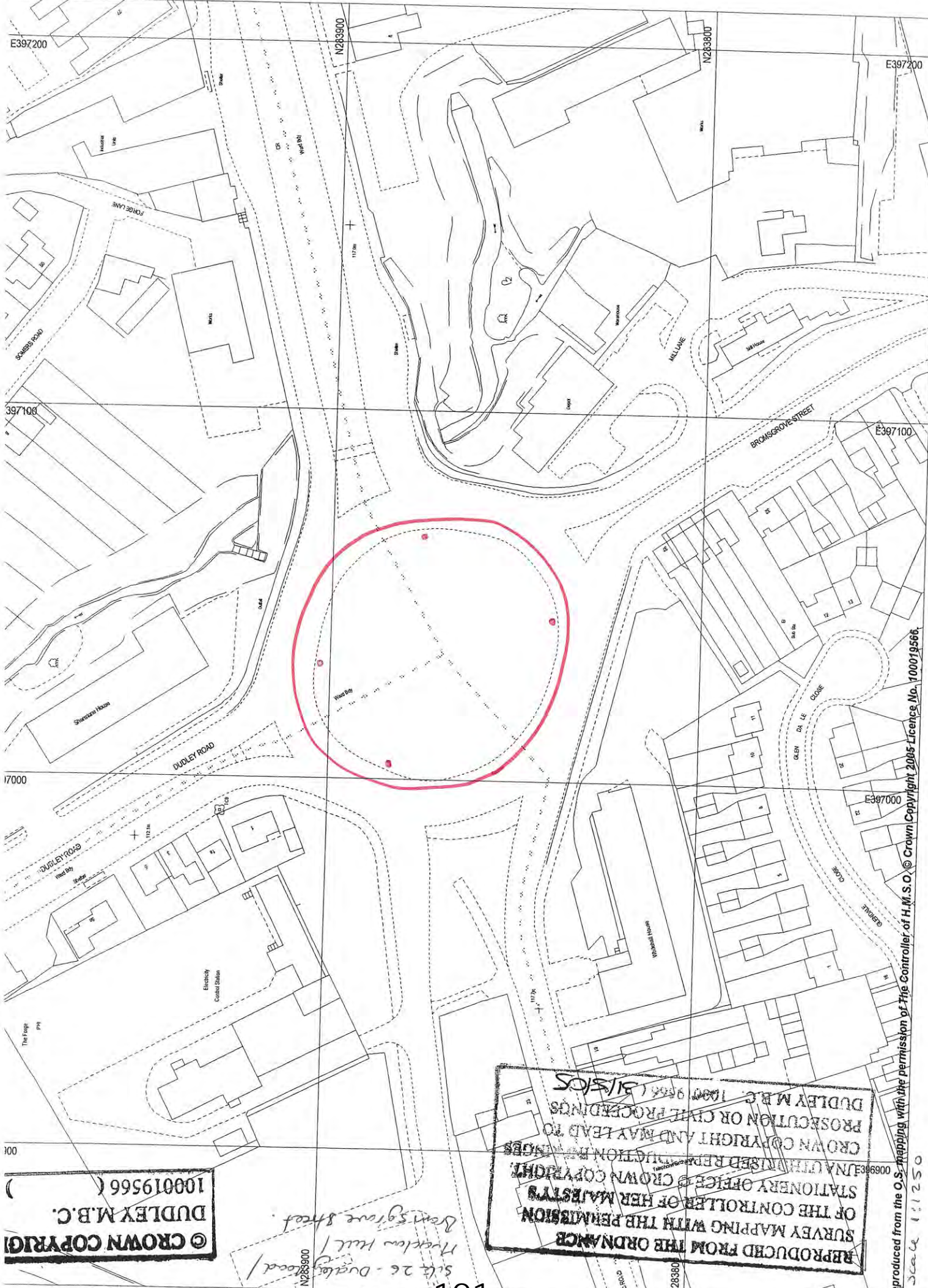
Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2



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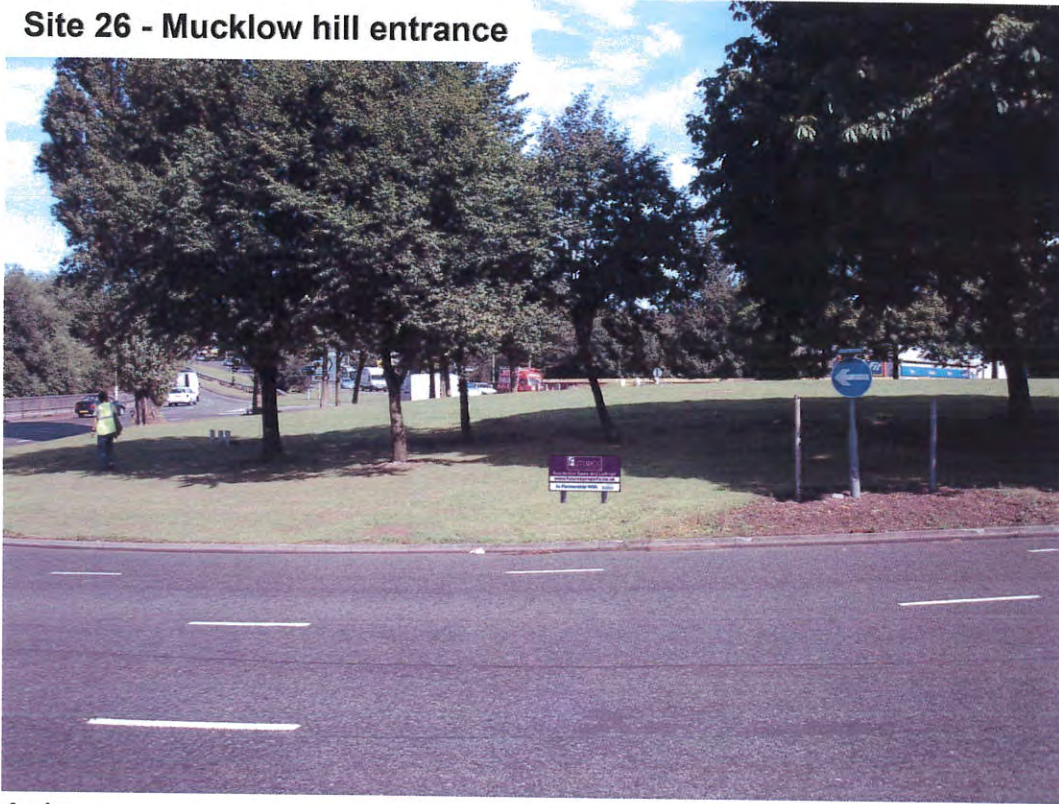
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*Site 26 - Dudley Road /
 Newton Hill /
 Bromsgrove Street*

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 Scale 1:1250

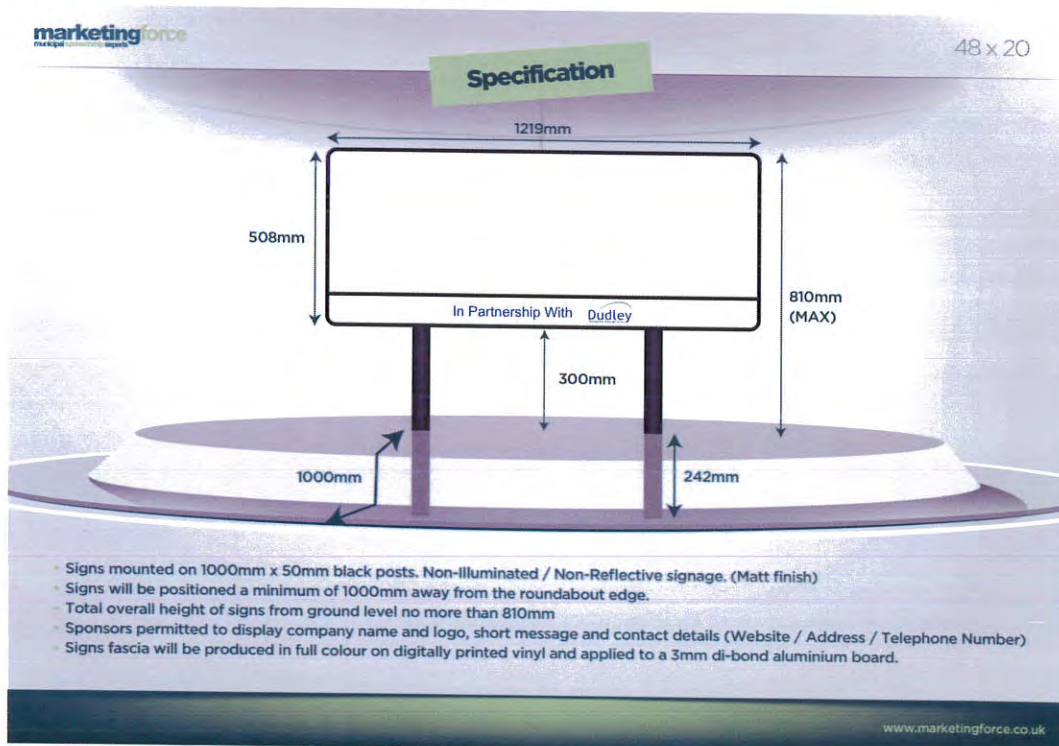
Site 26 – Dudley Road/Mucklow Hill/Bromsgrove Street, Halesowen
Propose 4 signs

Site 26 - Mucklow hill entrance



Total 4 signs:-

- 1 sign at entrance Earls Way
- 1 sign at entrance Mucklow Hill
- 1 sign at entrance Dudley Road
- 1 sign at entrance Bromsgrove Street



PLANNING APPLICATION NUMBER:P13/1684

Type of approval sought	Advertisement
Ward	Kingswinford North & Wall Heath
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT WOLVERHAMPTON ROAD AND HOLBEACHE ROAD, WALLHEATH, WEST MIDLANDS
Proposal	DISPLAY OF 3 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Holbeache Road (A449) and Wolverhampton Road (A491), Wall Heath.
2. The surrounding area is on the edge of the urban conurbation with fields to the east of the roundabout and residential areas to the north, south and west.
3. There are 3 existing circular directional signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 3 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.
5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone

number, address). The signs would also includes a strip stating “*In Partnership with Dudley Metropolitan Borough Council*”

6. The signs would be located opposite the roundabout entrances from Wolverhampton Road (2 entrances) and Holbeache Road.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9. No planning history.

PUBLIC CONSULTATION

10. None required.

OTHER CONSULTATION

11. Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver’s attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

12. The main issues are

- Policy
- Amenity
- Public Safety

Policy

13. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*

14. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or*

to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.

Amenity

15. The application site, a traffic roundabout, is located next to a residential area and open fields towards the northern edge of the boundary with South Staffordshire. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (914mm by 458mm) and the comparatively large size of the roundabout in question.

Public Safety

16. The proposed signs are located at a critical section of the junction where they could potentially distract driver’s attention at a point where they need to take exceptional care.

17. The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

18. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm and the Highway Authority does not raise any safety concerns. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

19. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



SITE A.
A449

▲ = Proposed sign position

Wolverhampton Road Holbeach Road
Kingswinford

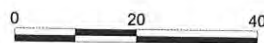
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Scale 1:1250

Supplied By: **NFS**

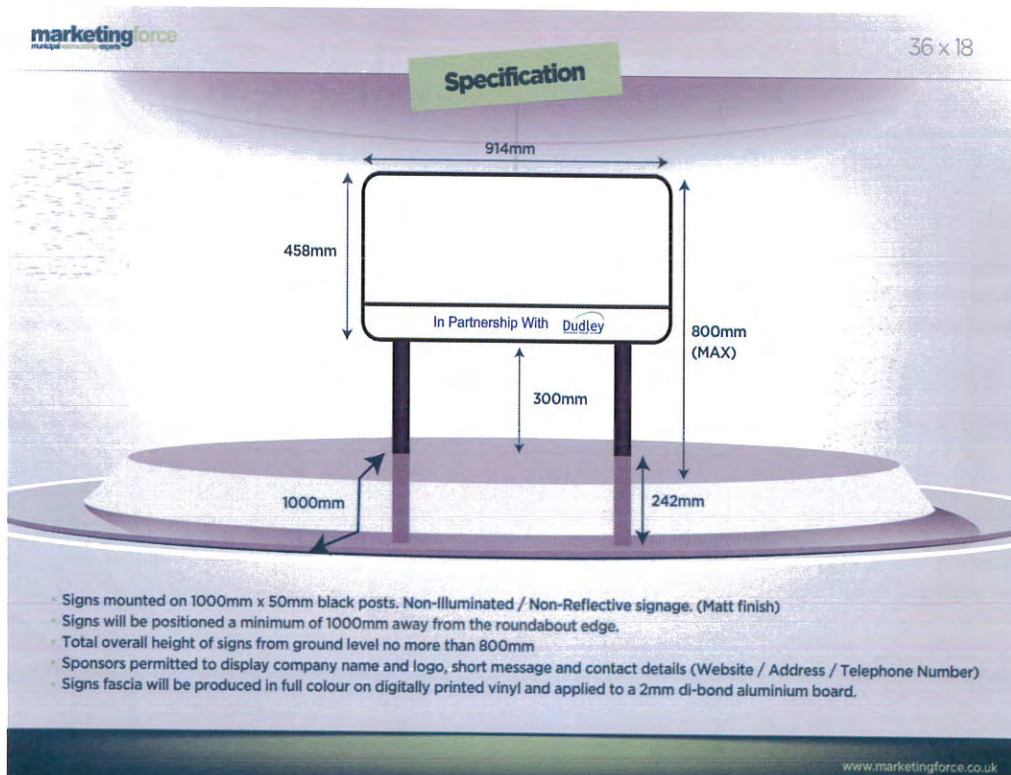
Serial number: 001125105

Plot Centre Coordinates: 388414, 290055

Site A – A449 Wolverhampton Road/Holbeache Road, Kingswinford
 New Site – Propose 3 signs



- Total 3 signs:-
 1 sign at entrance Wolverhampton Road North
 1 sign at entrance Wolverhampton Road South
 1 sign at entrance Holbeache Road



PLANNING APPLICATION NUMBER:P13/1685

Type of approval sought	Advertisement
Ward	St Thomas's
Applicant	Jan Butcher, Marketing Force Limited
Location:	ISLAND AT BLOWERS GREEN ROAD AND TANFIELD ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF 4 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a grassed vehicular roundabout at the junction of Blowers Green Road, Yorks Park and Tanfield Road, Dudley.
2. Land to the west of Blowers Green Road is in residential use whilst land to the east at a lower level off Yorks Park, is in industrial use.
3. There are four existing circular directional and chevron signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of four roundabout sponsorship signs measuring 1016mm by 508mm mounted on two black posts with a total height of 810mm. Each sign would be set in at least 1m from the edge of the carriageway.
5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address).

The signs would also includes a strip stating “*In Partnership with Dudley Metropolitan Borough Council*”

6. The signs would be located opposite the roundabout entrances from Blowers Green Road (2 entrances) Tanfield Road and Yorks Park.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9. No planning history.

PUBLIC CONSULTATION

10. None required.

OTHER CONSULTATION

11. Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver’s attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

12. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

13. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
14. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The*

Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.

Amenity

15. The application site, a traffic roundabout, is located between a residential area and an industrial area within the established urban environment. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (1016mm by 508mm) and the comparative size of the roundabout in question.

Public Safety

16. The proposed signs are located at a critical section of the junction where they could potentially distract driver’s attention at a point where they need to take exceptional care.
17. The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

18. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and there limited number to the roundabout would not result in any significant harm and the Highway Authority does not raise any safety concerns. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

19. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

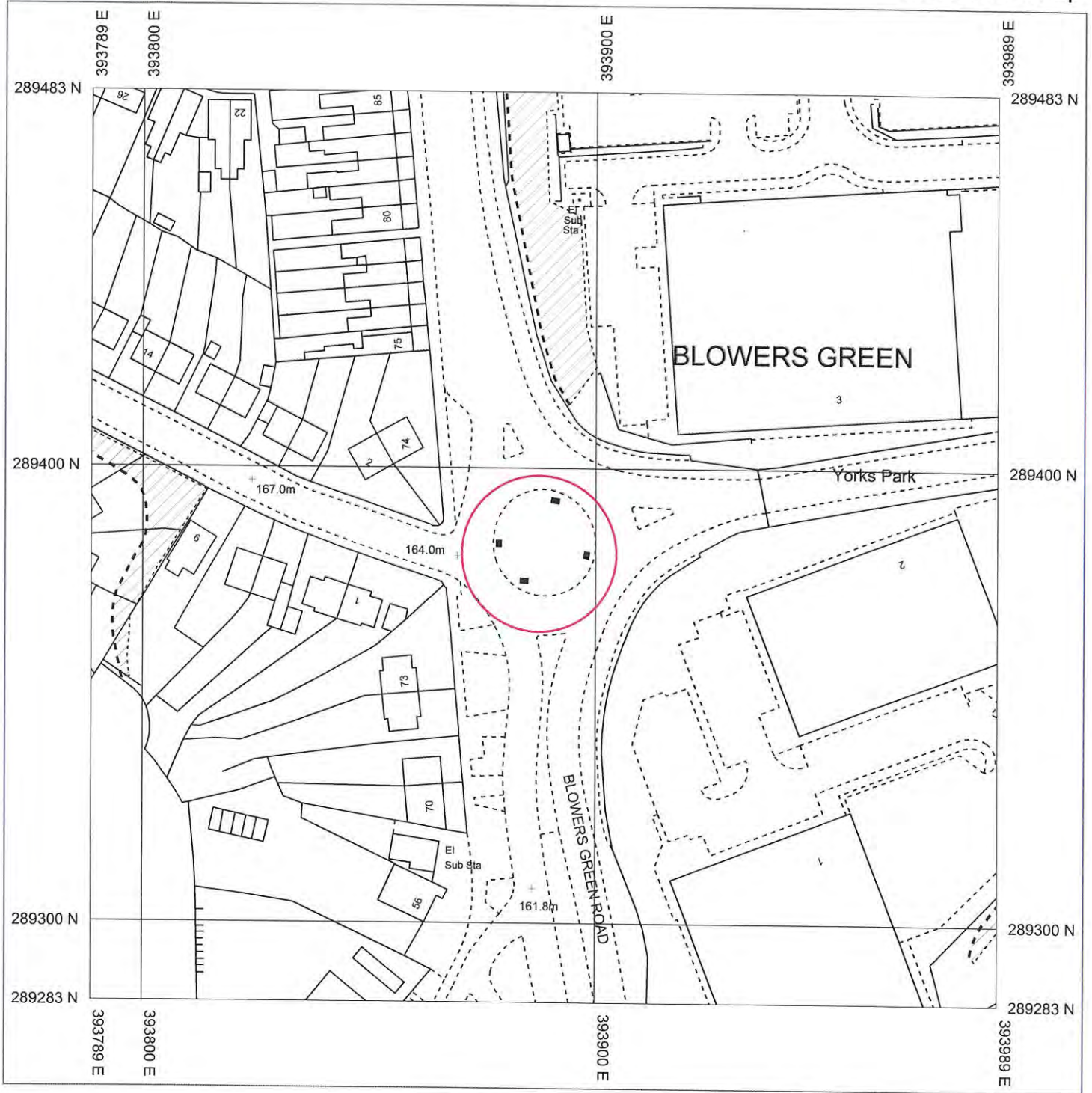
Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



— = Proposed sign positions

SITE B

Blowers Green Road/Tanfield Road

Dudley

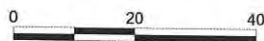
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Supplied By: **NFS**

Serial number: 001125114

Plot Centre Coordinates: 393889, 289383

PLANNING APPLICATION NUMBER:P13/1686

Type of approval sought	Advertisement
Ward	Amblecote Brierley Hill
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT MILL STREET/MOUNT PLEASANT, BRIERLEY HILL, WEST MIDLANDS.
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a vehicular roundabout at the junction of Mill Street, Mount Pleasant, Delph Road and Amblecote Road, Brierley Hill.
2. The Corn Exchange PH is located at the junction of Mount Pleasant and Amblecote Road and there is an area of open space at the junction of Amblecote Road and Delph Road, whilst the remainder of the immediate area is mainly residential housing.
3. There are 4 existing circular directional signs and 4 chevron rectangular signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Mill Street, Mount Pleasant, Delph Road and Amblecote Road, Brierley Hill.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9. No planning history.

PUBLIC CONSULTATION

10. None required.

OTHER CONSULTATION

11. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67

- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

12. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

13. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
14. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“ The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

15. The application site, a traffic roundabout, is surrounded by a public house, open space and residential housing area. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (914mm by 458mm).
16. Furthermore the application site is not subject to any statutory designations where such a signage could not be considered to be harmful to amenity

Public Safety

17. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
18. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
19. The recorded accident history at this junction is higher than the accepted accident rate.
20. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

21. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and there limited number to the r oundabout w ould no t r esult i n any significant harm a nd whilst t here ar e

concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

22. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

- b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
 6. This consent shall remain valid for a period of five years from the date hereof.
 7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

Dudley MBC - Roundabout Sponsorship Development Proposal

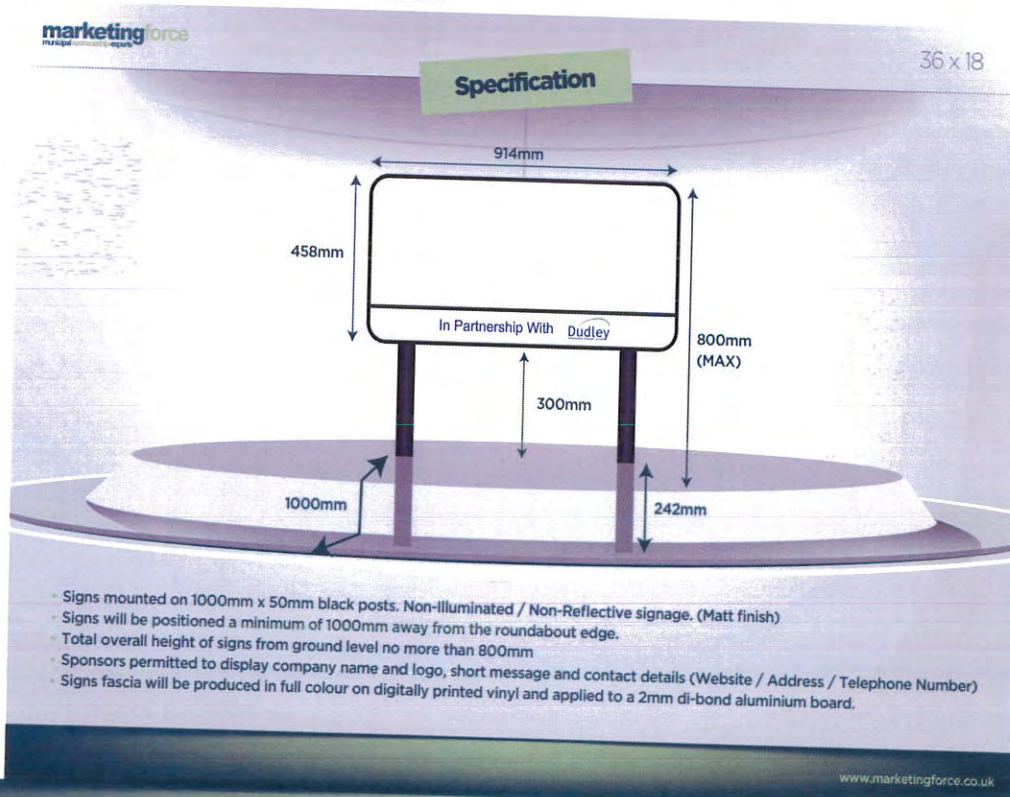
Site C – Mill Street/Delph Road/Mount Pleasant, Brierley Hill
New Site – Propose 4 signs

Appendix 2



Total 4 signs:-

- 1 sign at entrance Delph Road
- 1 sign at entrance Mill Street
- 1 sign at entrance Mt Pleasant
- 1 sign at entrance Amblecote Road



PLANNING APPLICATION NUMBER: P13/1687

Type of approval sought	Advertisement
Ward	Halesowen North Halesowen South
Applicant	Jan Butcher, Marketing Force Limited
Location:	ISLAND AT MUCKLOW HILL/LONG LANE, HALESOWEN, WEST MIDLANDS
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a vehicular roundabout at the junction of Mucklow Hill (A458), Halesowen Road (A458), Long Lane and Kent Road in Halesowen.

- 2 The surrounding area consists of a local shopping area, with residential beyond.

PROPOSAL

- 3 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts 800mm high. Each sign would be set in at least 1 m from the edge of the carriageway.

- 4 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 5 The signs would be located opposite the roundabout entrances from Mucklow Hill (A458), Halesowen Road (A458), Long Lane and Kent Road.

6 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.

7 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

8 None

PUBLIC CONSULTATION

9 None

OTHER CONSULTATION

10 Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although it is recognised that there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

11 The main issues are

- Policy
- Amenity

- Public Safety

Policy

- 12 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 13 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 14 The application site, a traffic roundabout, is located in a principally commercial area, although there are some residential properties along Mucklow Hill close to the site. However, it is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs, 914mm by 458mm, and the comparatively large size of the roundabout in question.
- 15 In addition the application site or immediate environs are not subject of designations where such a sign could be considered to be harmful.

Public Safety

- 16 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 17 The highways authority maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs on traffic islands cause accidents, the Highway Authority does maintain concerns in relation to road accidents and in particular, vulnerable road users.
- 18 The recorded accident history at this junction is higher than the normal accident rate.
- 19 In the interests of public safety the Highway Authority would wish to raise safety concerns regarding this application.

CONCLUSION

- 20 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 21 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

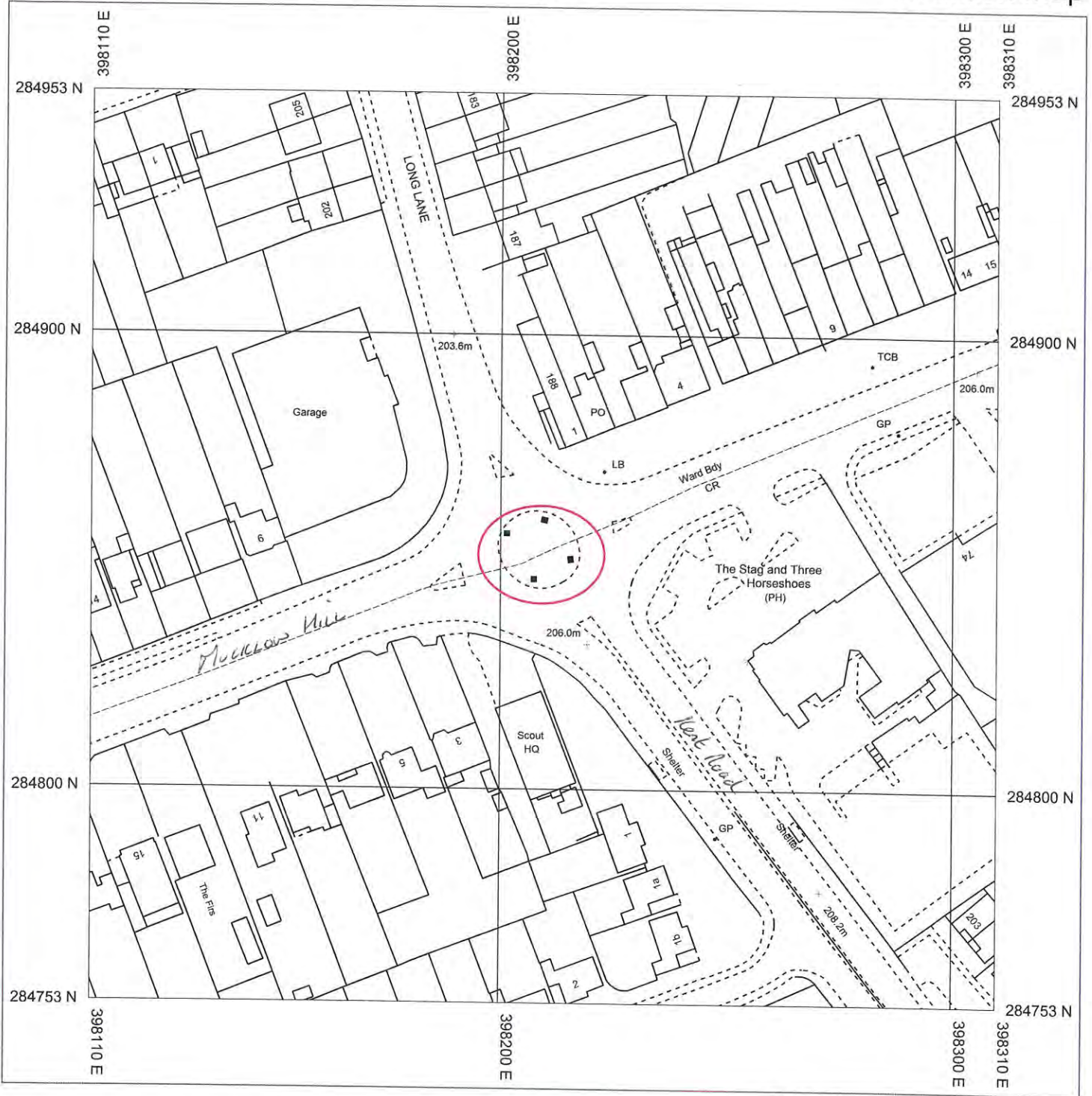
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2



 = Proposed sign position

SITE D.

Mucklow Hill/Long Lane/Kent Road

Halesowen

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Serial number: 001125116

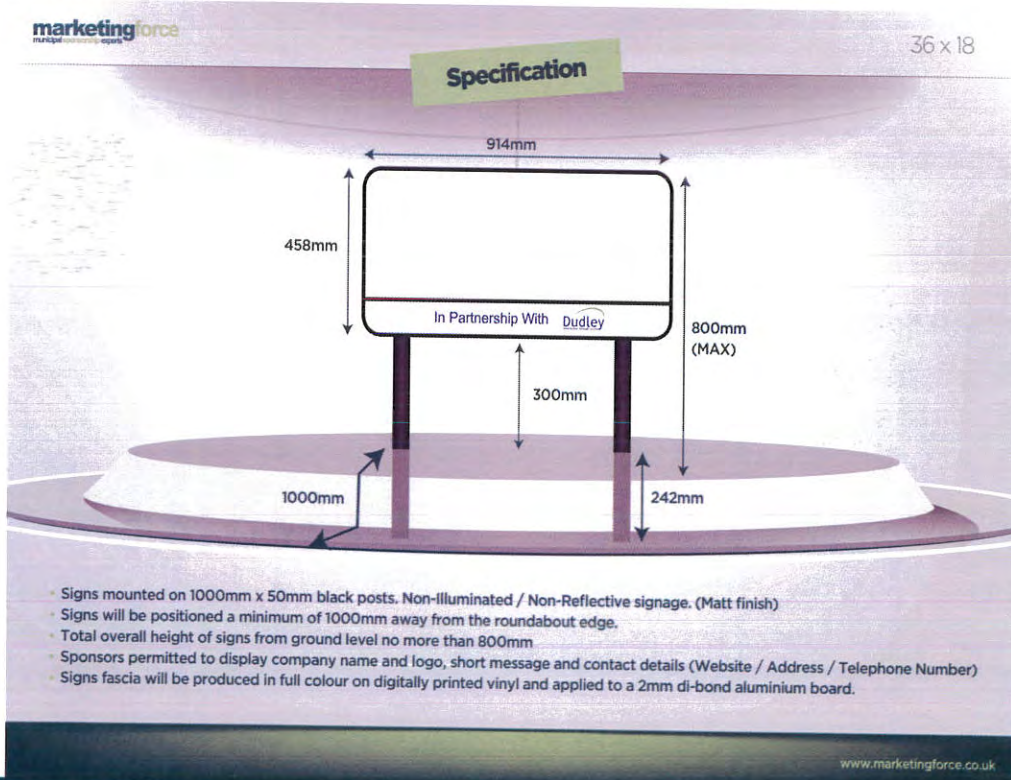
Plot Centre Coordinates: 398210, 284853

Site D – Mucklow Hill/Long Lane/Kent Road, Halesowen
 New Site – Propose 4 signs



Total 4 signs:-

- 1 sign at entrance Manor Lane
- 1 sign at entrance Carters Lane
- 1 sign at entrance Spies Lane
- 1 sign at entrance Kent Road



PLANNING APPLICATION NUMBER: P13/1688

Type of approval sought	Advertisement
Ward	Halesowen South
Applicant	Jan Butcher, Marketing Force Ltd
Location:	MANOR WAY, DUDLEY, WEST MIDLANDS, B63 3DZ
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a vehicular roundabout at the junction of Manor Way (A456), Grange Road (A459) and Grange Hill.

- 2 The surrounding area is on the edge of the conurbation and therefore has a slight rural character although there are a number of residential properties close by. There are a number of traffic signs on and within the vicinity of the roundabout. On the south western side of the roundabout is The Grange (now a sports club) which is Grade II* listed building.

PROPOSAL

- 3 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs measuring 1016mm by 508mm mounted on two black posts 810mm high. Each sign would be set in at least 1m from the edge of the carriageway.

- 4 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 5 The signs would be located opposite the roundabout entrances from Manor Way (both directions), Grange Road and Grange Hill.
- 6 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 7 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

- 8 None

PUBLIC CONSULTATION

- 9 None

OTHER CONSULTATION

- 10 Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than normal accident rate, although it is recognised there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 11 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 12 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 13 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 14 The surrounding area is on the edge of the conurbation and therefore has a slight rural character although there are a number of residential properties close by. Also to the south western side of the roundabout is The Grange (now a sports club) which is Grade II* listed building.

- 15 In terms of the listed building it is not considered that the proposed signage would have an effect on its setting in that the site is well divorced from the roundabout and is located behind an area of extensive planting.
- 16 In terms of general amenity there is a significant amount of traffic signage associated with roundabout, and therefore it is not considered that the introduction of the four additional modest, 1016mm by 508mm, signs would have any greater impact to amenity.

Public Safety

- 17 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 18 The Highways Authority maintain that from a public safety point of view whilst there is no proven evidence to support that the proposed advertising signs on traffic islands cause accidents, the Highway Authority does maintain concerns in relation to road accidents and in particular, vulnerable road users.
- 19 The recorded accident history at this junction is higher than the normal accident rate.
- 20 In the interests of public safety the Highway Authority would wish to raise safety concerns regarding this application.

CONCLUSION

- 21 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are concerns from a highway safety point of view it is not proven that the signs would

have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 22 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework

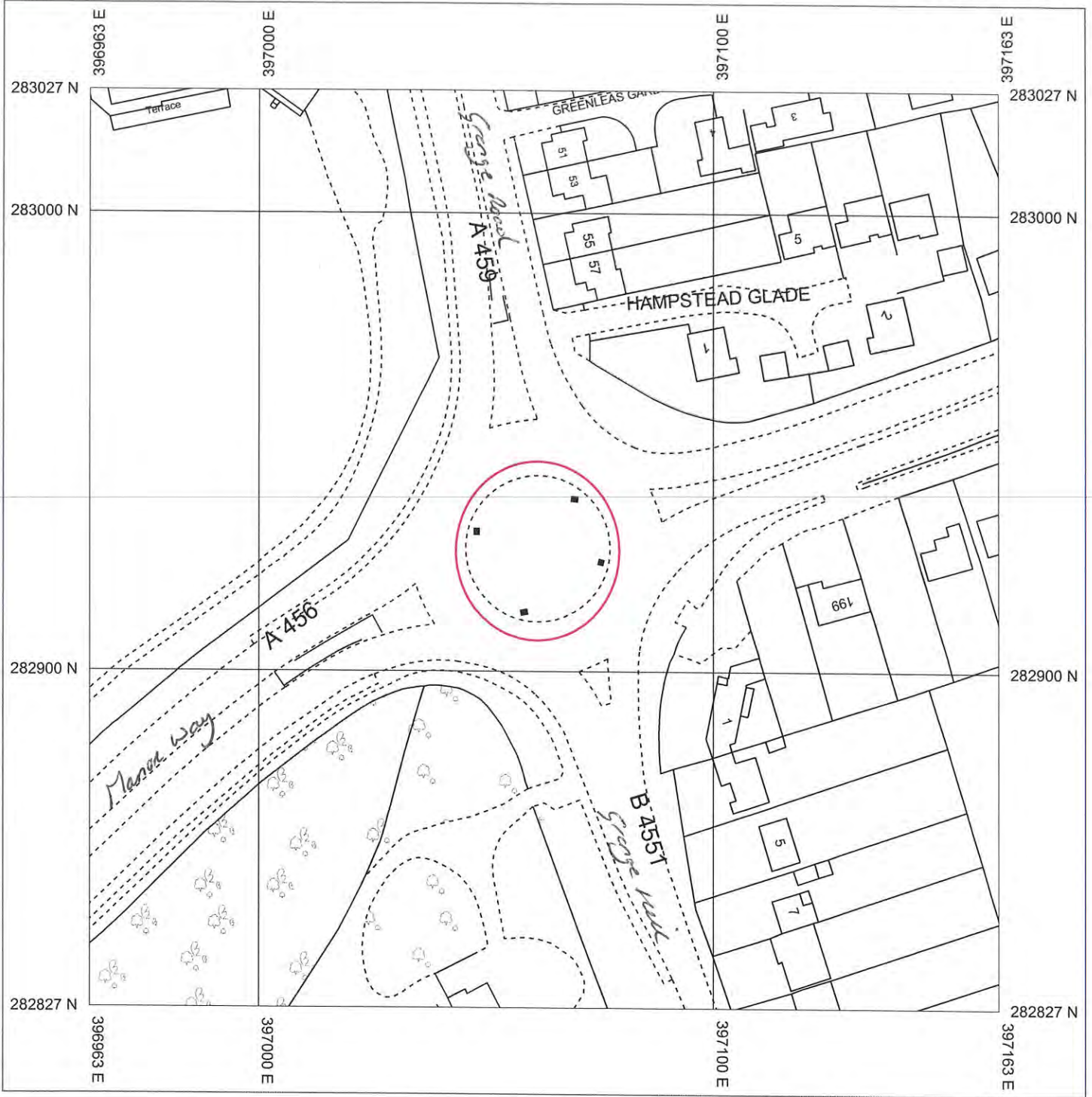
Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2



■ = Proposed Sign Position

SITE E

Manor Way/Grange Road/Grange Hill

Halesowen

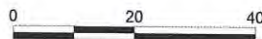
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Scale 1:1250

Supplied By: NFS

Serial number: 001125118

Plot Centre Coordinates: 397063, 282927

Dudley MBC - Roundabout Sponsorship Development Proposal

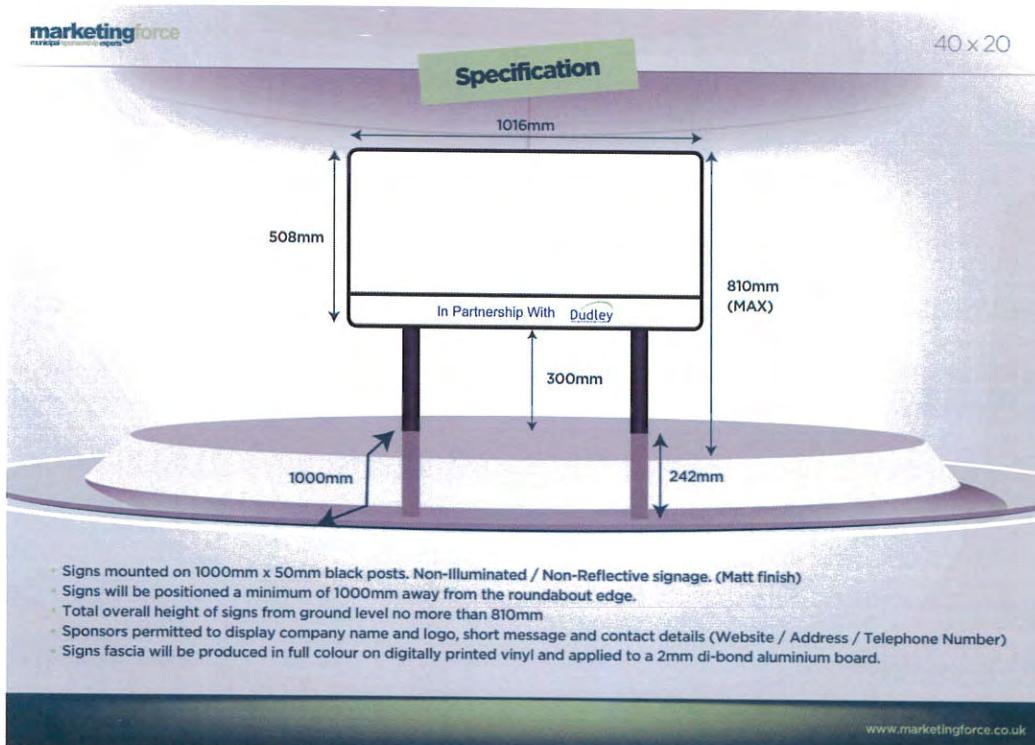
Appendix 2

Site E – Manor Way/Grange Road/Grange Hill, Halesowen
New Site – propose 4 signs



Total 4 signs:-

- 1 sign at entrance Manor Way – West
- 1 sign at entrance Manor Way – East
- 1 sign at entrance Grange Road
- 1 sign at entrance Grange Hill Road



PLANNING APPLICATION NUMBER:P13/1689

Type of approval sought	Advertisement
Ward	Brierley Hill Netherton Woodside and St Andrews
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT DUDLEY ROAD/WATERFRONT WAY, BRIERLEY HILL, WEST MIDLANDS,
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Dudley Road (the A461), Waterfront Way and John Street (the B4180), Brierley Hill.
2. The surrounding area is a mixture of uses comprising shops, residential properties in John Street, a public house, petrol station, fire station, offices and a bedroom superstore.
3. There are 4 existing circular directional signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs measuring 1016mm by 508mm mounted on two black posts with a total height of 810mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Dudley Road (2 entrances), Waterfront Way and John Street.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9. No planning history.

PUBLIC CONSULTATION

10. None required.

OTHER CONSULTATION

11. Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

12. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

13. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*
14. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The*

Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.

Amenity

15. The application site, a traffic roundabout, is located within a mixed use area close to Brierley Hill Town Centre. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (1016mm by 508mm) and the comparatively large size of the roundabout in question.

Public Safety

16. The proposed signs are located at a critical section of the junction where they could potentially distract driver’s attention at a point where they need to take exceptional care.
17. The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

18. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm and the Highway Authority does not raise any safety concerns. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

19. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



SITE F
Dudley Road A461/John Street

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- = Proposed sign position



Scale 1:1250

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Serial number: 001125119

Plot Centre Coordinates: 391959, 287784

Dudley MBC - Roundabout Sponsorship Development Proposal

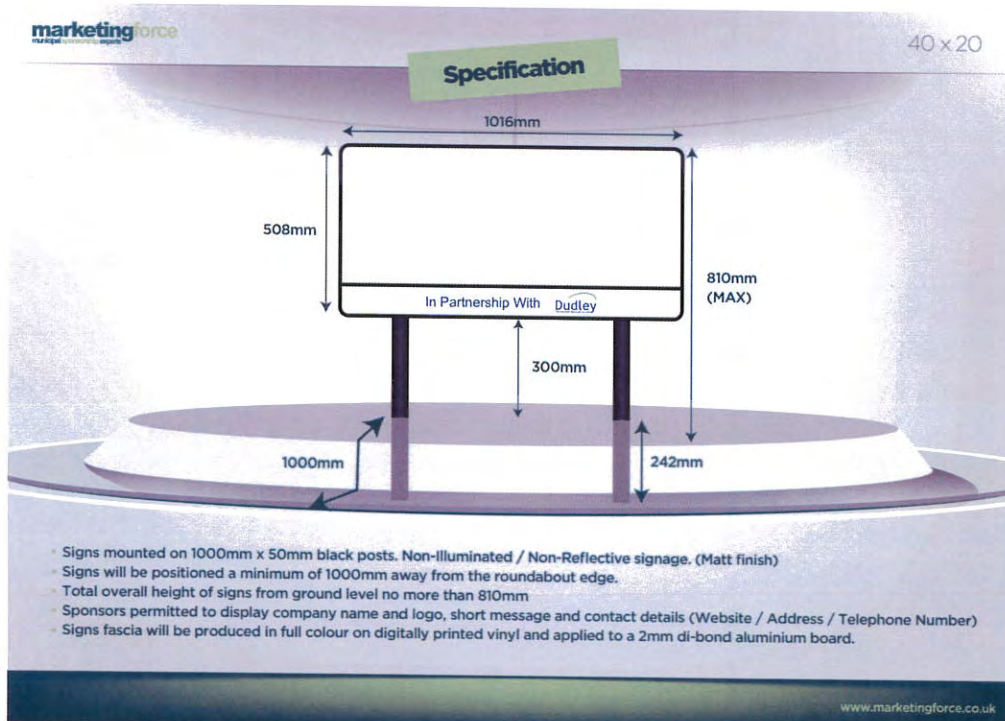
Site F – Dudley Road/Waterfront Way/John Street – Merry Hill
New Site identified by MFL – propose 4 signs

Appendix 2



Total 4 signs:-

- 1 sign at entrance Dudley Road South
- 1 sign at entrance Dudley Road North
- 1 sign at entrance Waterfront Way
- 1 sign at entrance John Street



PLANNING APPLICATION NUMBER:P13/1690

Type of approval sought	Advertisement
Ward	Castle & Priory
Applicant	Jan Butcher, Marketing Forge Ltd
Location:	ISLAND AT BIRMINGHAM ROAD/TIPTON ROAD, DUDLEY, WEST MIDLANDS.
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Birmingham Road (the A461), Tipton Road (the A4037) and the Dudley Southern By-Pass (the A461).
2. The surrounding area is a mixture of uses comprising landscaped areas, offices, hotel and residential housing.
3. There are 5 existing circular directional signs, 5 chevron rectangular signs and 3 advert signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 5 roundabout sponsorship signs, including the replacement of 3 existing signs, measuring 1016mm by 508mm mounted on two black posts with a total height of 810mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Birmingham Road, Tipton Road, Dudley Southern By-Pass, Castle Hill and Castlegate Way..
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1276	Display 5 No non illuminated signs on highway island	Refused	02/08/05
P05/1779	Display 4 No non illuminated signs on highway island	Part approved and part refused	08/11/05

10. The application P05/1276 was refused for the following reason:

The proposed signage by virtue of their proliferation, position and appearance would constitute an incongruous and intrusive feature, which would lead to visual clutter, duplication of signage and intrusion into the public art feature, which would be detrimental to the visual amenity of the surrounding area. This

would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

11. Whilst 3 signs were approved, one sign for P05/1779 was refused for the following reason:

The proposed sign situated opposite Castle Gate House, to the north and marked as no. 1 on the location plan, would by virtue of its position and appearance constitute an incongruous and intrusive feature on the traffic island, which would detract from the visual amenity of the backdrop of the public art work which forms a part of the landscaped background with detriment to the visual amenity of the surrounding area. This would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

PUBLIC CONSULTATION

12. None required.

OTHER CONSULTATION

13. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67

- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

14. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

15. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
16. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

17. As set out in the planning history there have been 2 previous applications for adverts on the island. The most recent application allowed 3 adverts and refused a fourth.
18. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
19. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 1016mm by 508mm compared to other signage associated with road junctions and the comparatively large size of the roundabout in question means any impact that they have would be limited.
20. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

21. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
22. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
23. The recorded accident history at this junction is higher than the accepted accident rate.

24. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

25. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number on the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

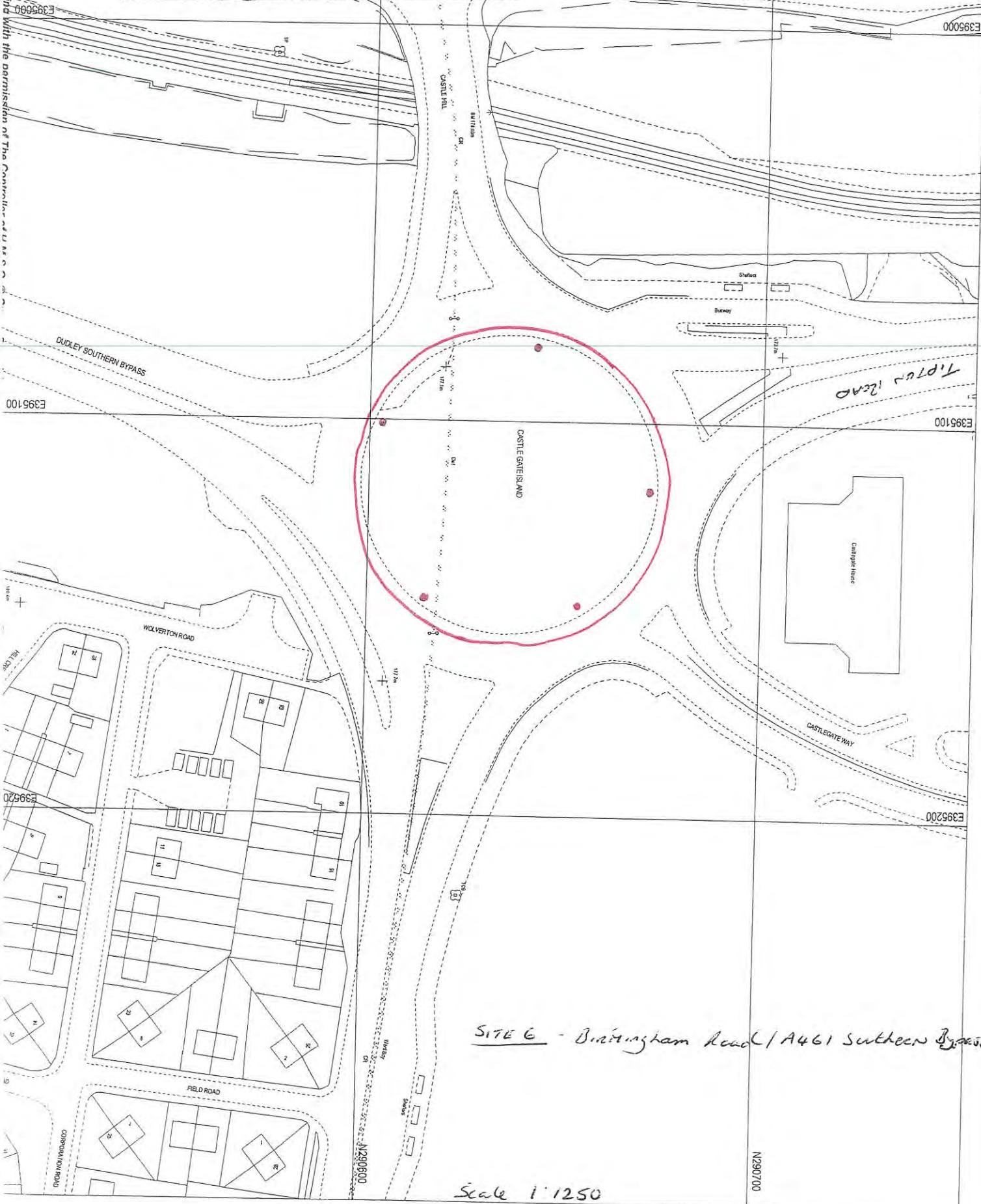
Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

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SITE 6 - Birmingham Road / A461 Southern Bypass

Scale 1:1250

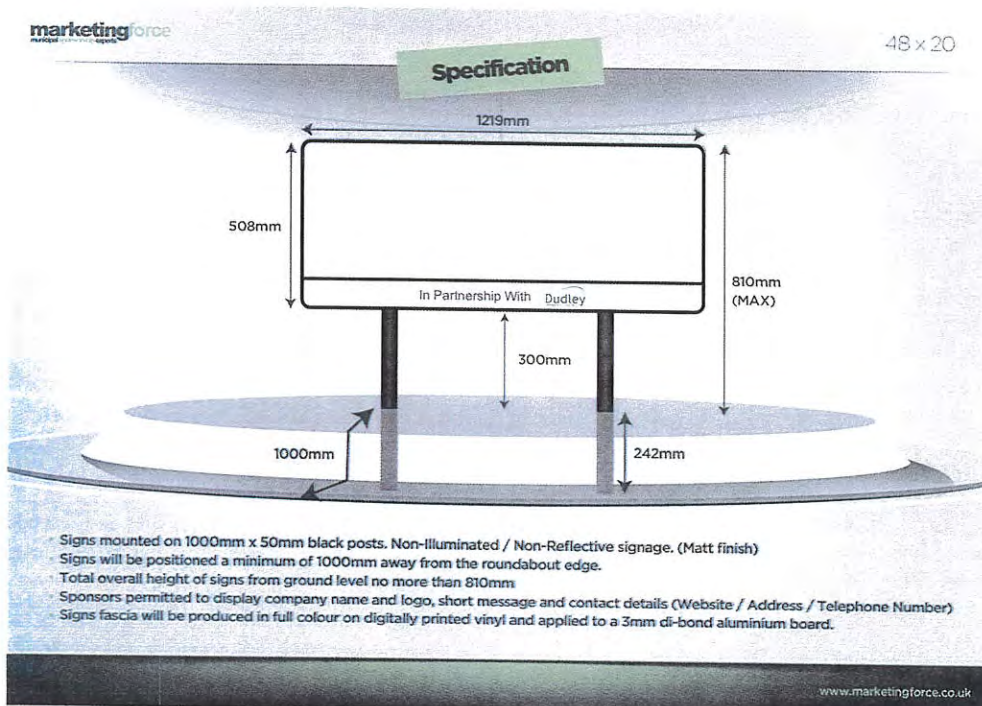
Site 6 – Birmingham Road/A461 Southern Bypass, Dudley
 Existing site - propose increasing number of signs from 3 to 5

Site 6 - Southern By-pass Entrance



Total 5 signs:-

- 1 sign at entrance Birmingham Road – consent given
- 1 sign at entrance Edwards Way – consent given
- 1 sign at entrance Castle Hill – consent given
- 1 sign at entrance Tipton Road
- 1 sign at entrance Castlegate Way



PLANNING APPLICATION NUMBER:P13/1691

Type of approval sought	Advertisement
Ward	St Thomas's
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT BLACKACRE ROAD/SOUTHERN BYPASS, DUDLEY, WEST MIDLANDS.
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Birmingham Road (the A461), Tipton Road (the A4037) and the Dudley Southern By-Pass (the A461).
2. The surrounding area is a mixture of uses comprising landscaped areas, offices, car parking areas in Flood Street and empty industrial buildings.
3. There are 4 existing circular directional signs, 3 chevron rectangular signs and 2 advert signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs, including the replacement of 2 existing signs, measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Blackacre Road, the Dudley Southern By-Pass (2 entrances) and Flood Street
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1275	Display 4 No non illuminated signs on highway island	Refused	02/08/05
P05/1779	Display 3 No non illuminated signs on highway island	Part approved and part refused	08/11/05

10. The application P05/1275 was refused for the following reason:

The proposed signage by virtue of their proliferation, position and appearance would constitute an incongruous and intrusive feature, which would lead to visual clutter, duplication of signage and intrusion into the public art feature, which would be detrimental to the visual amenity of the surrounding area. This would be contrary

to DD14 Advertisement Control (Dudley Unitary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

11. Whilst 2 signs were approved, one sign for P05/1779 was refused for the following reason:

The proposed sign situated opposite the traffic island junction of Flood Street, on the north western side of the traffic island and marked as no.3 on the location plan, would by virtue of its position and appearance constitute an incongruous and intrusive feature on the traffic island, which would detract from the visual amenity of the backdrop of the public art work which forms a part of the landscaped background with detriment to the visual amenity of the surrounding area. This would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

PUBLIC CONSULTATION

12. None required.

OTHER CONSULTATION

13. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67

- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

14. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

15. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*
16. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.*

Amenity

17. As set out in the planning history there have been 2 previous applications for adverts on the island. The most recent application allowed 2 adverts and refused a third.
18. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
19. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 914mm by 458mm compared to other signage associated with road junctions and the comparatively large size of the roundabout in question means any impact that they have would be limited.
20. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

21. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
22. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
23. The recorded accident history at this junction is higher than the accepted accident rate.

24. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

25. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number on the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

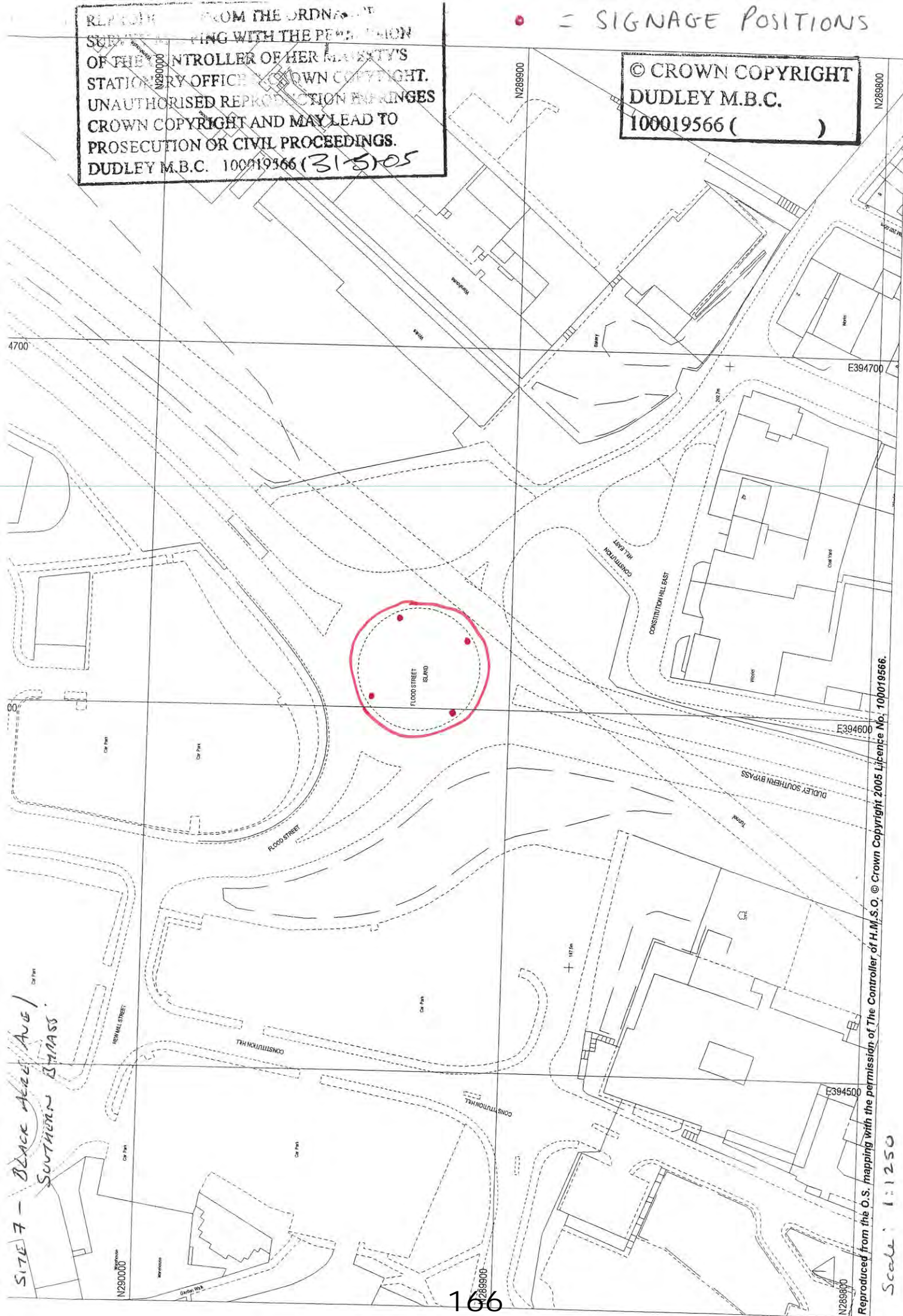
Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

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• = SIGNAGE POSITIONS

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SITE 7 - Black Alley Ave / Southern Bypass

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Scale: 1:1250

Site 7 – Black Acre Avenue/Southern Bypass

Existing site - propose increasing number of signs from 2 to 4

Site 7 - Flood Street Entrance



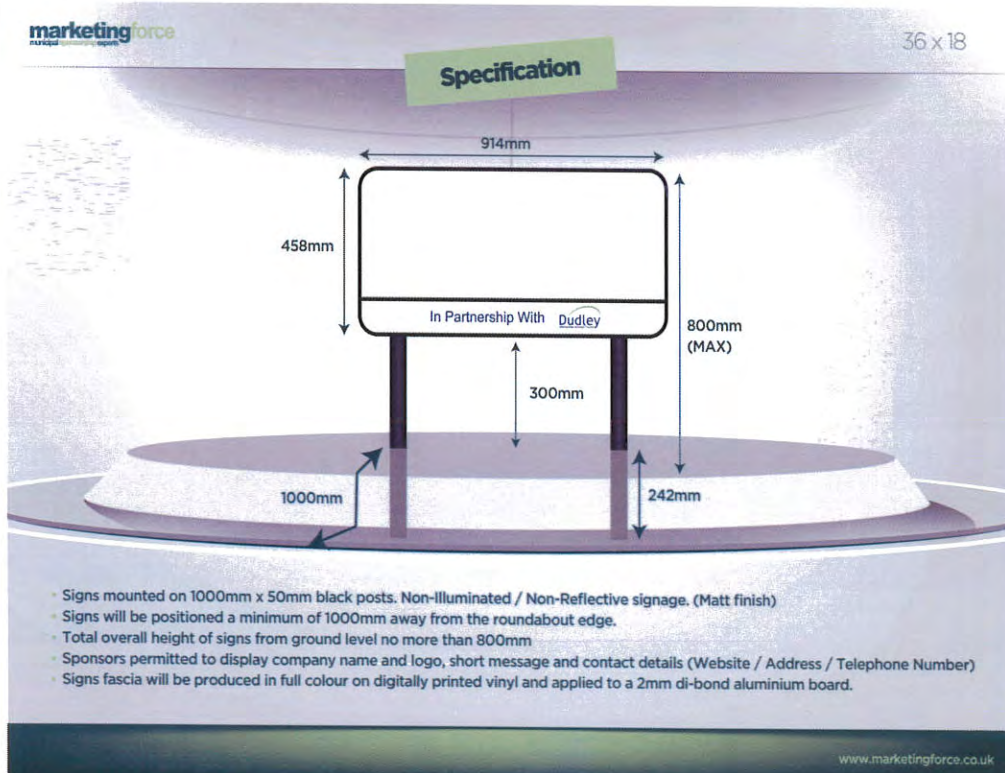
Total 4 signs:-

1 sign at entrance A461 Dudley Southern Bypass – consent given

1 sign at entrance Edwards Way – consent given

1 sign at entrance Flood Street

1 sign at entrance Black Acre Road



PLANNING APPLICATION NUMBER:P13/1692

Type of approval sought	Advertisement
Ward	Netherton Woodside and St Andrews
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT CINDER BANK/BLOWERS GREEN ROAD, DUDLEY, WEST MIDLANDS.
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Cinder Bank (the A459), Blowers Green Road, Pear Tree Lane and the Dudley Southern By-Pass (the A461).
2. The surrounding area is a mixture of uses comprising landscaped areas, a retail store and industry.
3. There are 5 existing circular directional signs, 5 chevron rectangular signs and 3 advert signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs, including the replacement of 3 existing signs, measuring 1219mm by 508mm mounted on two black posts with a total height of 810mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Cinder Bank, Blowers Green Road and the Dudley Southern By-Pass (2 entrances).
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1273	Display 4 No non illuminated signs on highway island	Refused	13/07/05
P05/1778	Display 3 No non illuminated signs on highway island	Approved	21/09/05

10. The application P05/1273 was refused for the following reason:

The proposed advertisements do not comply with Planning Policy Guidance Note 19, Policy DD14 of the Revised Deposit Dudley Unitary Development Plan or Planning Guidance Note 11 Advertisement Display Guide by reason of the proliferation of signs proposed and the resultant harm to the setting of the location due to the visual clutter, duplication of signage and intrusion into the public art feature.

PUBLIC CONSULTATION

11. None required.

OTHER CONSULTATION

12. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

13. The main issues are
 - Policy
 - Amenity
 - Public Safety

Policy

14. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
15. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

16. As set out in the planning history there have been 2 previous applications for adverts on the island and the most recent application allowed 3 adverts. This application proposes to increase the number of adverts from 3 to 4.
17. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
18. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size, 1219mm by 508mm, compared to other signage associated with road junctions and the comparatively large size of the roundabout in question means any impact that they have would be limited.

19. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

20. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
21. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
22. The recorded accident history at this junction is higher than the accepted accident rate.
23. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

24. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and there limited number on the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

25. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

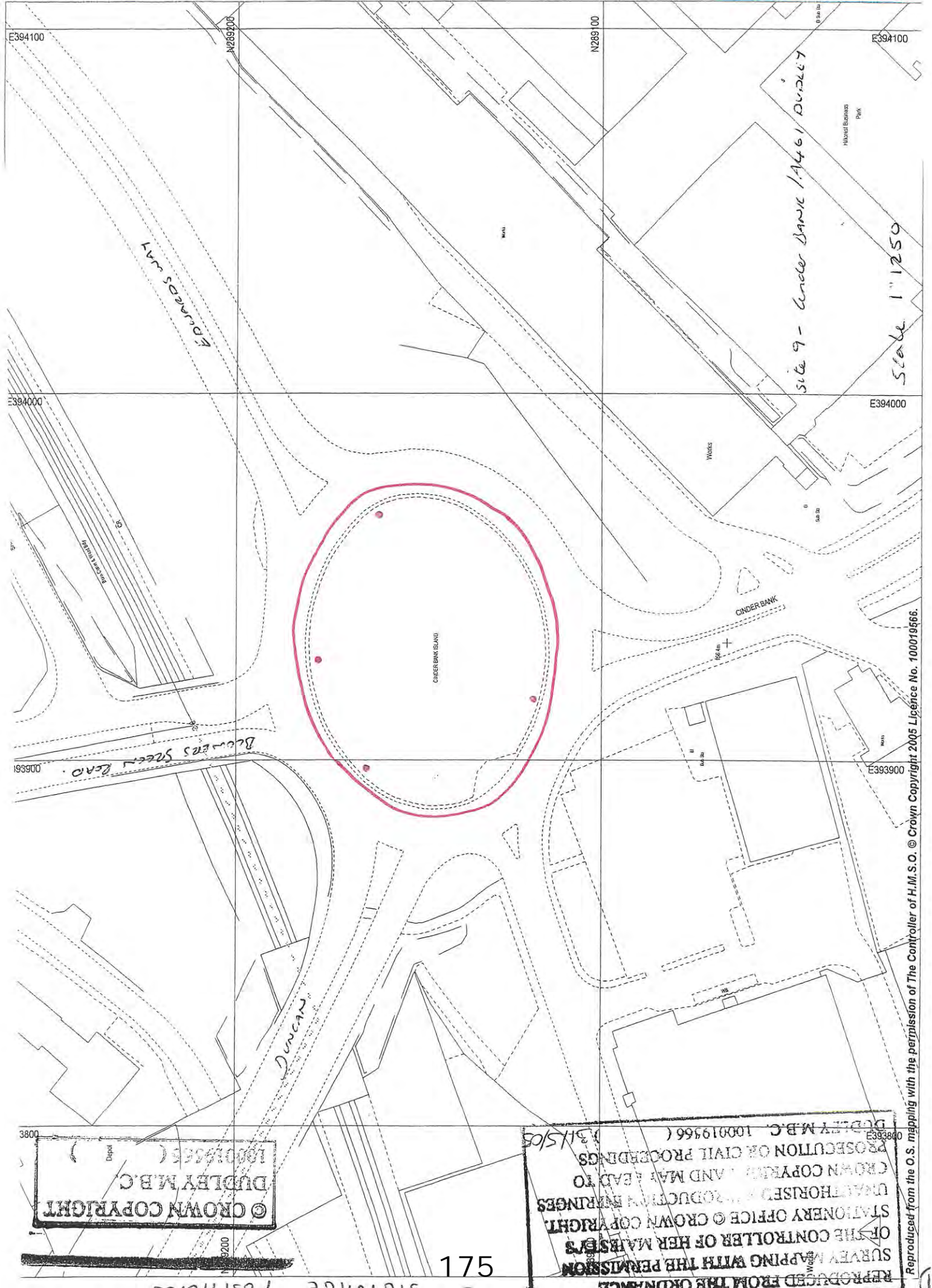
Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



Site 9 - Under Bank 1. A461 DUNDY
 Scale 1" = 1250

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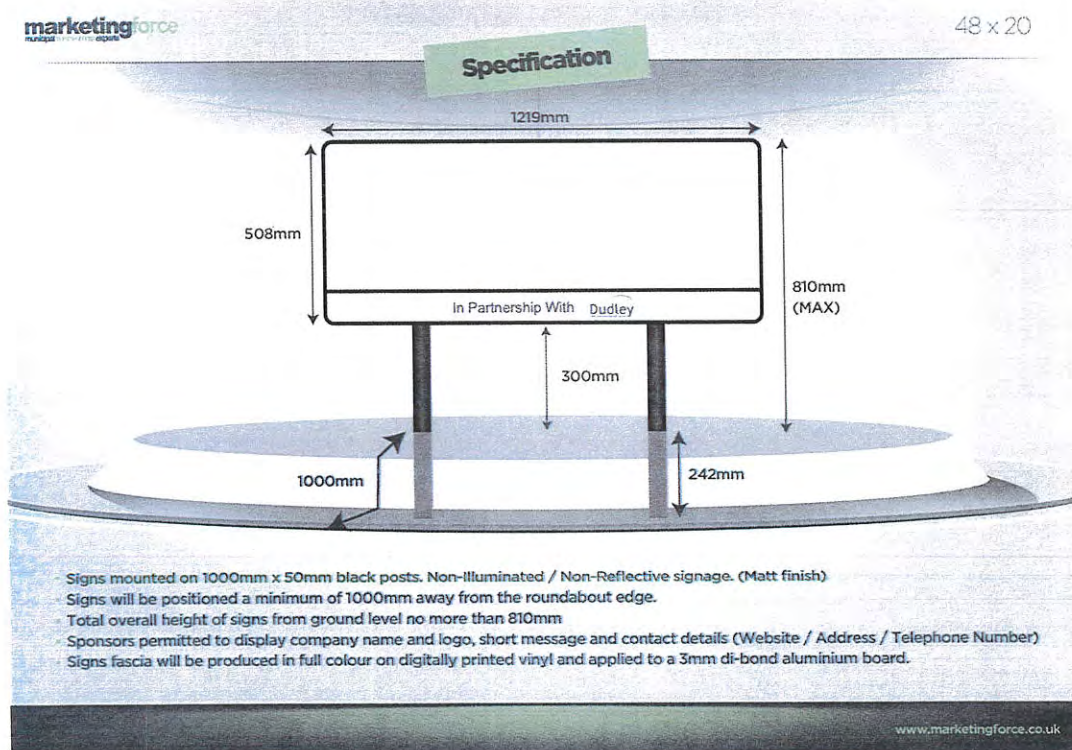
175 = SIGNAGE POSITIONS

Site 9 – Cinder Bank/Southern Bypass/A461 Dudley
 Existing site – proposed increasing number of signs from 3 to 4

Site 9 - A461 Entrance



- Total 4 signs:-
- 1 sign at entrance Duncan – consent granted
 - 1 sign at entrance Cinder Bank – consent granted
 - 1 sign at entrance Edwards Way – consent granted
 - 1 sign at entrance Blowers Green Road



PLANNING APPLICATION NUMBER: P13/1693

Type of approval sought	Advertisement
Ward	Netherton Woodside and St Andrews St James's
Applicant	Jan Butcher, Marketing Force Limited
Location:	ISLAND AT STOURBRIDGE ROAD AND DUDLEY SOUTHERN BYPASS, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF 4 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Stourbridge Road (the A461), Scotts Green Close, Kingswinford Road and the Dudley Southern By-Pass (the A461).

2. The surrounding area is a mixture of uses comprising landscaped areas, the Holly Hall Academy Secondary School and residential housing.

3. There are 5 existing circular directional signs, 5 chevron rectangular signs and 2 advert signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs, including the replacement of 2 existing signs, measuring 1219mm by 508mm mounted on two black posts with a total height of 810mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Stourbridge Road (2 entrances), Kingswinford Road and the Dudley Southern By-Pass.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1272	Display 4 No non illuminated signs on highway island	Refused	02/08/05
P05/1782	Display 3 No non illuminated signs on highway island	Part approved and part refused	08/11/05

10. The application P05/1272 was refused for the following reason:

The proposed signage by virtue of their proliferation, position and appearance would constitute an incongruous and intrusive feature, which would lead to visual clutter, duplication of signage and intrusion into the public art feature, which would be detrimental to the visual amenity of the surrounding area. This

would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

11. Whilst 2 signs were approved, one sign for P05/1782 was refused for the following reason:

The proposed sign situated between the traffic island junctions of Dudley Southern Bypass and Stourbridge Road, to the south of the roundabout and marked as no. 1 on the location plan, would by virtue of its position and appearance constitute an incongruous and intrusive feature on the traffic island, which would detract from the visual amenity of the backdrop of the public art work which forms a part of the landscaped background with detriment to the visual amenity of the surrounding area. This would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

PUBLIC CONSULTATION

12. None required.

OTHER CONSULTATION

13. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67

- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

14. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

15. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*
16. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.*

Amenity

17. As set out in the planning history there have been 2 previous applications for adverts on the island. The most recent application allowed 2 adverts and refused a third.
18. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
19. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 1219mm by 508mm compared to other signage associated with road junctions and the comparatively large size of the roundabout in question means any impact that they have would be limited.
20. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

21. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
22. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
23. The recorded accident history at this junction is higher than the accepted accident rate.

24. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

25. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number on the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

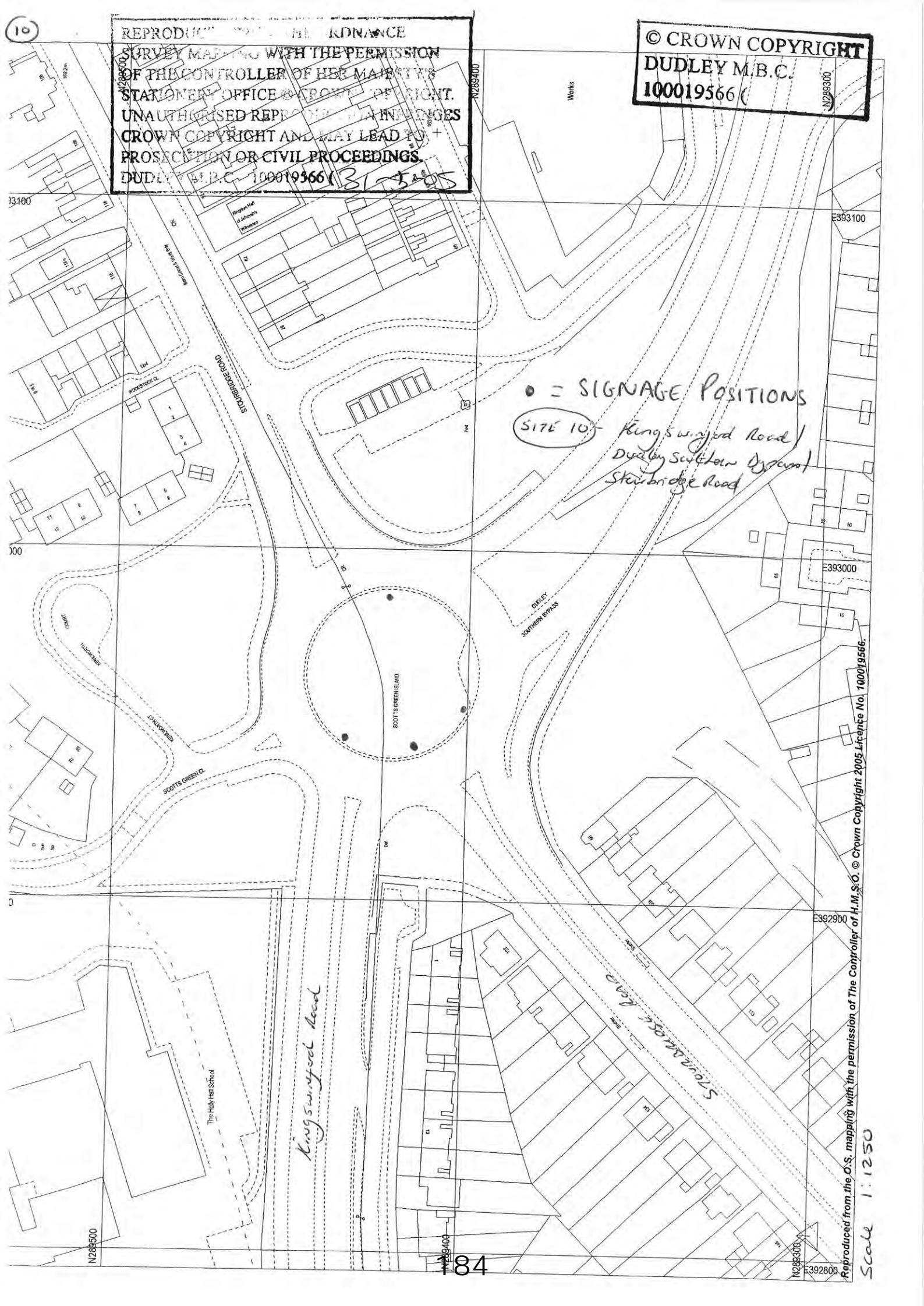
Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

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● = SIGNAGE POSITIONS
 (SITE 10) Kingswinged Road /
 Dudley Southern Bypass /
 Sturbridge Road



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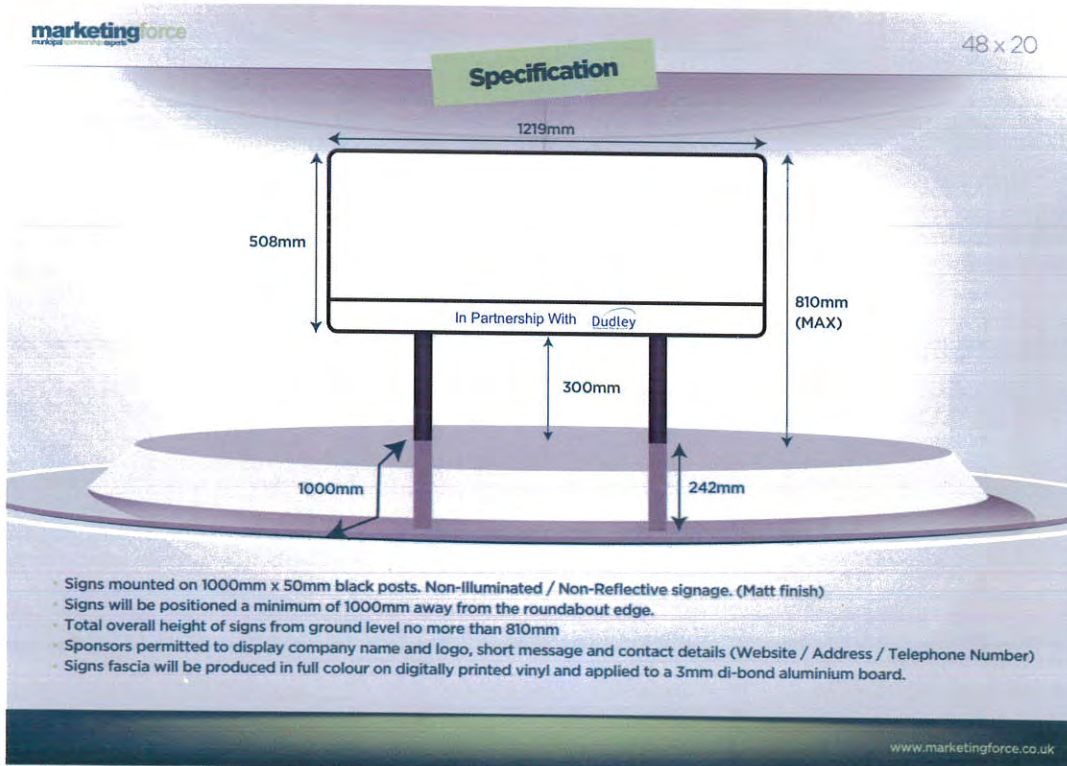
Site 10 – Dudley Road A461/Kingswinford Road
 Existing site – propose increasing number of signs from 2 to 4

Site 10 - Stourbridge Rd Entrance



Total 4 signs:-

- 1 sign at entrance Kingswinford Road (west) – consent granted
- 1 sign at entrance Duncan (Southern Bypass) – consent granted
- 1 sign at entrance Stourbridge Road
- 1 sign at entrance A4101 Kingswinford Road (east)



PLANNING APPLICATION NUMBER:P13/1694

Type of approval sought	Advertisement
Ward	St James's
Applicant	Jan Butcher, Marketing Force Limited
Location:	ISLAND AT KINGSWINFORD ROAD AND PENNETT ROAD, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF 4 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a landscaped vehicular roundabout at the junction of Kingswinford Road (the A4101), High Street (the A4101) and Pensnett Road, Dudley.
2. The surrounding area is a mixture of uses comprising parking areas for the Russells Hall hospital, residential housing and industry.
3. There are 4 existing circular directional signs, 4 chevron rectangular signs and 2 advert signs on the island.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs, including the replacement of 2 existing signs, measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Kingswinford Road, High Street, the hospital access road and Pensnett Road.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1271	Display 4 No non illuminated signs on highway island	Refused	27/07/05
P05/1783	Display 3 No non illuminated signs on highway island	Part approved and part refused	08/11/05

10. The application P05/1271 was refused for the following reason:

The proposed advertisements do not comply with Planning Policy Guidance Note 19 or Planning Guidance Note 11 'Advertisement Display Guide' by reason of the proliferation of signs proposed and the resultant harm to the visual

amenity of this prominent feature in the street scene due to the visual clutter and intrusion.

11. Whilst 2 signs were approved, one sign for P05/1783 was refused for the following reason:

The proposed sign to be located opposite the approach from Russell's Hall Hospital to the north by reason of its siting and design would result in the visual clutter of signage and the unnecessary duplication of advertising material to the detriment of this prominent feature in the street scene contrary to Planning Policy Guidance Note 19 'Outdoor Advertisement Control', Policy DD14 'Advertisement Control' of the Dudley Unitary Development Plan 2005, and Supplementary Planning Guidance Note 11 'Advertisement Display Guide'.

PUBLIC CONSULTATION

12. None required.

OTHER CONSULTATION

13. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control

- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

14. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

15. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
16. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

17. As set out in the planning history there have been 2 previous applications for adverts on the island. The most recent application allowed 2 adverts and refused a third.

18. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
19. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size, 914mm by 458mm, compared to other signage associated with road junctions and the comparatively large size of the roundabout in question means any impact that they have would be limited.
20. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

21. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
22. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
23. The recorded accident history at this junction is higher than the accepted accident rate.
24. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

25. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number on the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

26. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

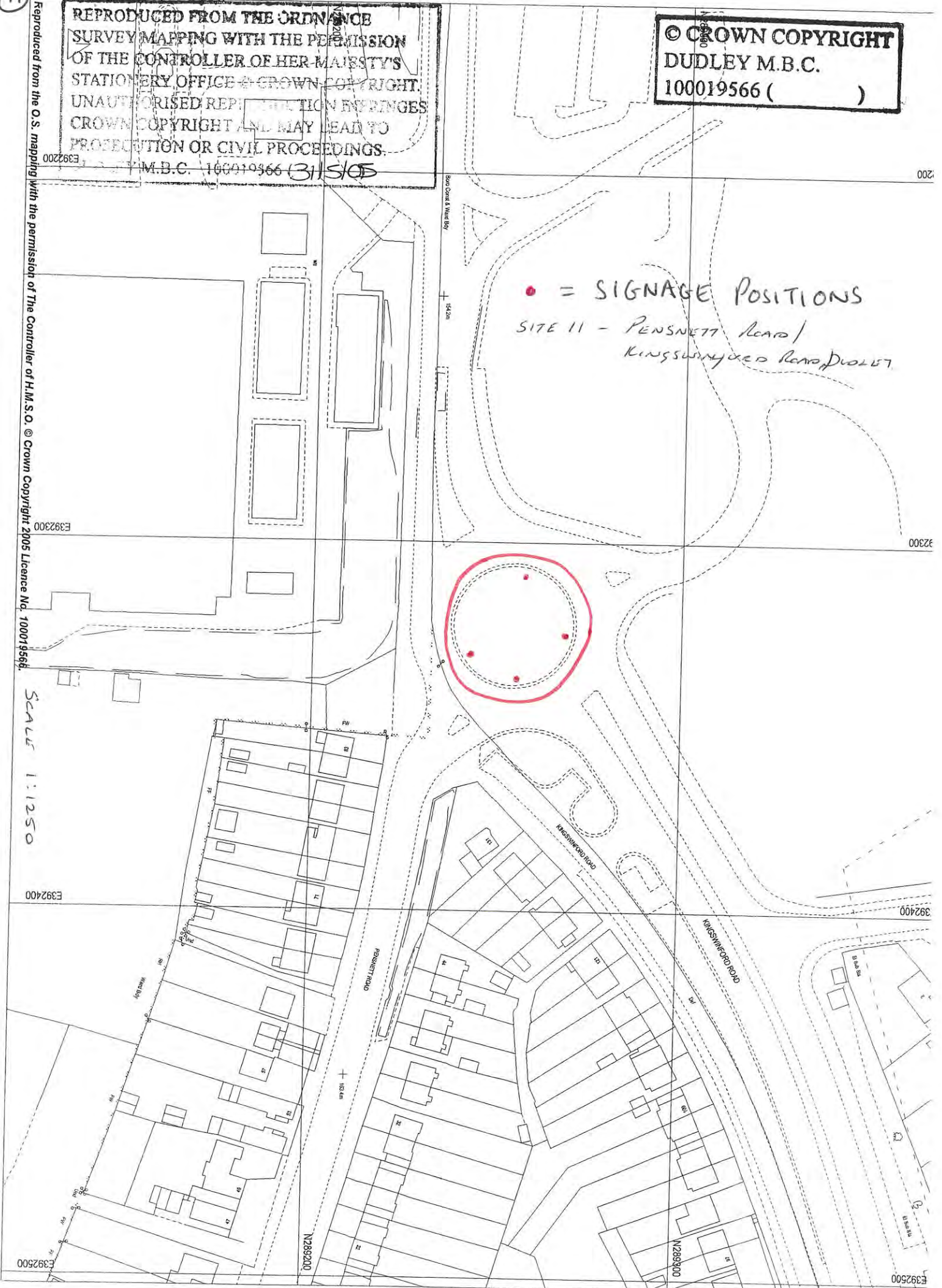
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2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

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● = SIGNAGE POSITIONS
SITE 11 - PENSNETT ROAD /
KINGSWINFORD ROAD, DUDLEY



SCALE 1:1250

Site 11 – Pensnett Road/Kingswinford Road

Existing Site – propose increasing number of signs from 2 to 4

Site 11 - Kingwinford Rd Entrance



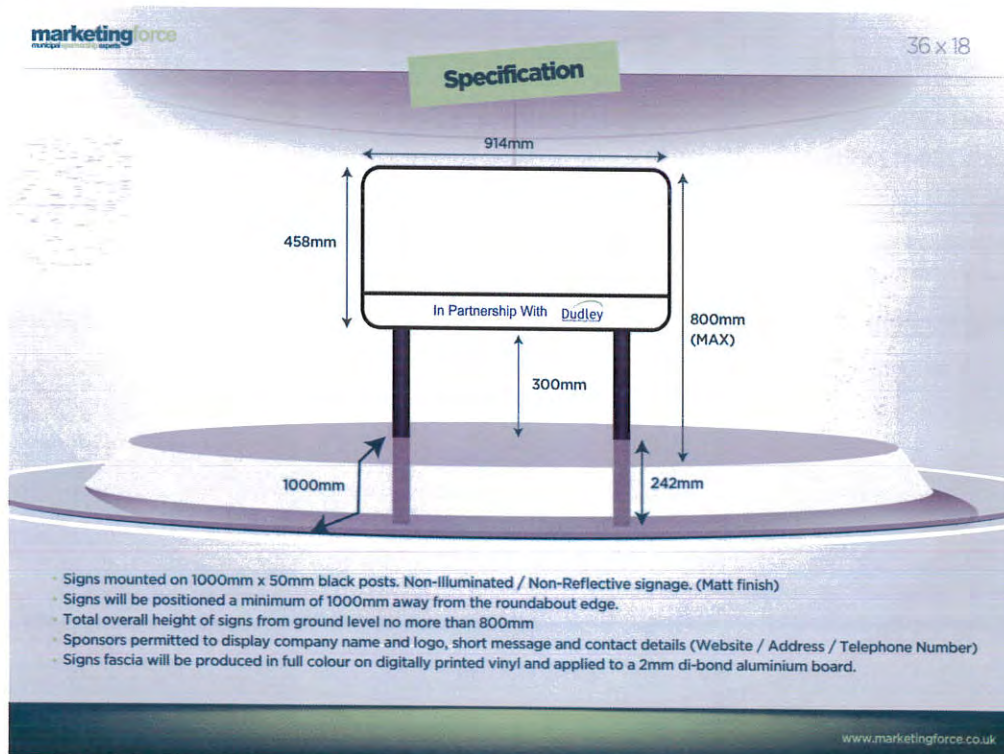
Total 4 signs:-

1 sign at entrance A4101 Pensnett Road – consent granted

1 sign at entrance Kingswinford Road – consent granted

1 sign at entrance to Hospital

1 sign at entrance Pensnett Road



PLANNING APPLICATION NUMBER:P13/1695

Type of approval sought	Advertisement
Ward	Gornal St James's
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT HIMLEY ROAD AND MILKING BANK, DUDLEY, WEST MIDLANDS
Proposal	DISPLAY OF 3 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a planted vehicular roundabout at the junction of Himley Road and Milking Bank.
2. The surrounding area is a mix of residential uses generally to the east and open space to the industrial uses to the west of Himley Road.
3. There are 3 existing circular directional and chevron signs on the island and two existing advertising signs.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 3 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Himley Road (2) and Milking Bank.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.

HISTORY

9. There is no available planning history.

PUBLIC CONSULTATION

10. None required.

OTHER CONSULTATION

11. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework

-Paragraph 67

- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

12. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

13. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*
14. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“ The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.*

Amenity

15. The application site, a traffic roundabout, is located between a residential area and open space within the established urban environment. It is not considered that the proposed signs in this case could be argued to be harmful to amenity, particularly due to the modest size of the signs (914mm by 458mm) and the comparative size of the roundabout in question.

Public Safety

16. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
17. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
18. The recorded accident history at this junction is higher than the accepted accident rate.
19. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

20. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and there limited number to the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would

have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

21. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

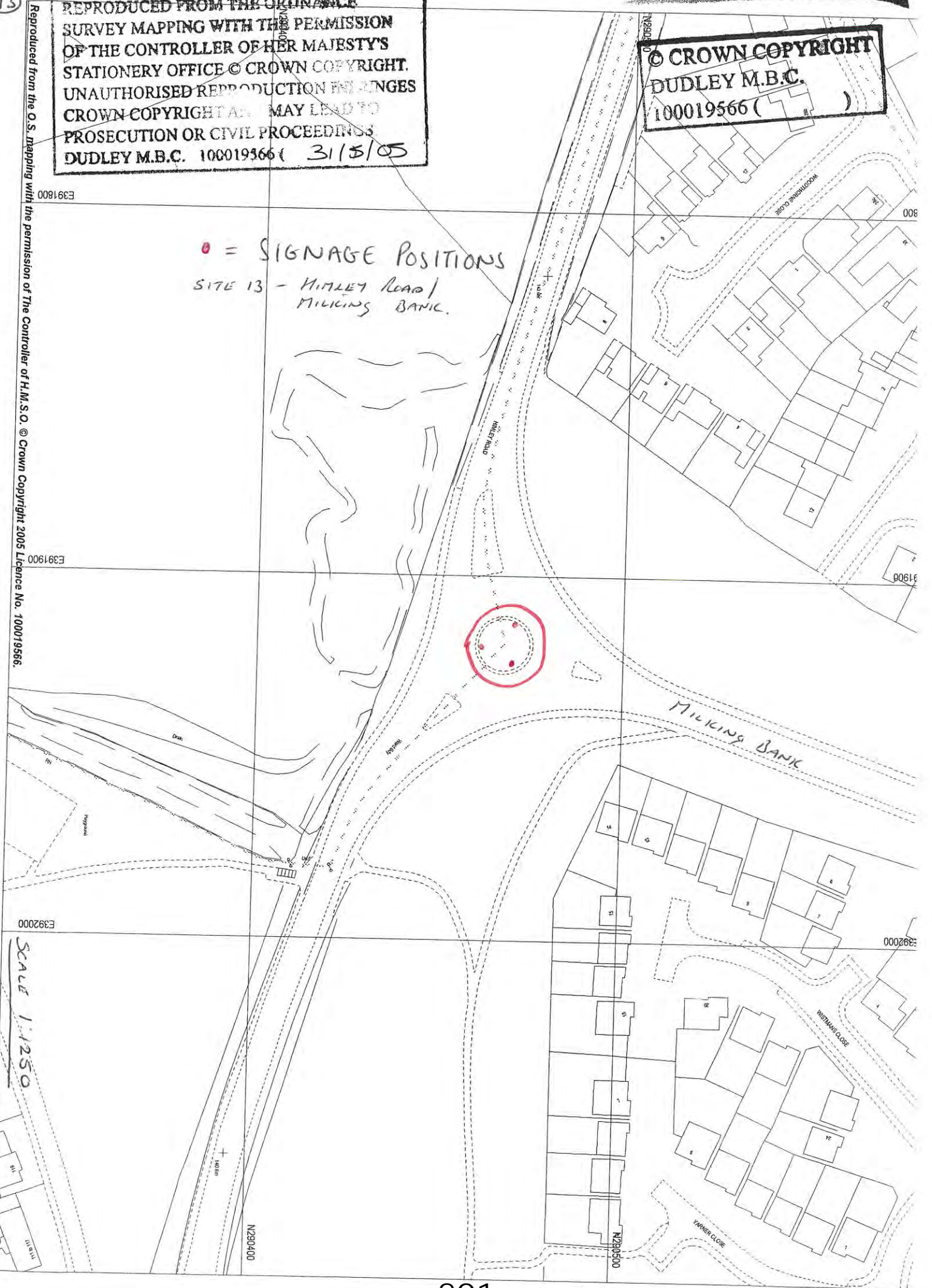
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.

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• = SIGNAGE POSITIONS
SITE 13 - MILLEY ROAD / MILKING BANK.



Site 13 – Himley Road/Milking Bank

Existing site – propose increasing number of signs from 2 to 3

Site 13 - Himley Rd Entrance

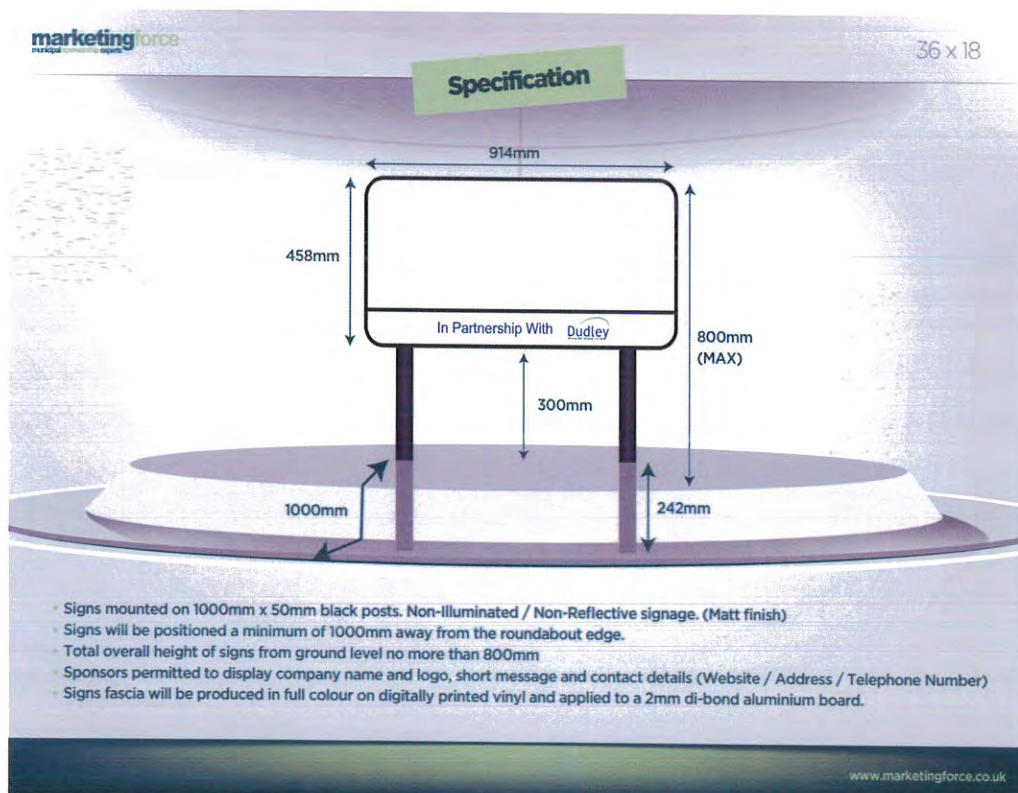


Total 3 signs:-

1 sign at entrance Himley Road West – consent granted

1 sign at entrance Himley Road East – consent granted

1 sign at entrance Milking Bank



PLANNING APPLICATION NUMBER: P13/1696

Type of approval sought	Advertisement
Ward	Norton Wollaston & Stourbridge Town
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT HEATH LANE AND WORCESTER STREET, STOURBRIDGE, WEST MIDLANDS
Proposal	DISPLAY OF 3 NO. NON ILLUMINATED SPONSORSHIPS SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Heath Lane, South Road and Worcester Street close to Mary Stevens Park (with its listed gates) in Stourbridge.
- 2 The surrounding area includes a mix of residential and commercial uses. There are a number of traffic signs on and within the vicinity of the roundabout.
- 3 There is an existing sign located opposite the Heath Street entrance to the roundabout.

PROPOSAL

- 4 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs (including the replacement of the existing sign) measuring 914mm by 458mm mounted on two black posts between 300mm and 350mm high. Each sign would be set in at least 1 m from the edge of the carriageway.

- 5 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
- 6 The signs would be located opposite the roundabout entrances from South Road and Worcester Street. There is an existing sign opposite the Heath Lane roundabout entrance.
- 7 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 9 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.
- 10 One sign was approved at the site in September 2005.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/1288	Display 3 Non illuminated signs on highway island	Refused	15-Jul-2005
P05/1789	PART A : Display 2 Non illuminated signs (marked No.'s 2 & 3 on location plan). PART B : Display 1 Non illuminated sign (marked No.1 on location plan).	Part Approved Part Refused	08-Nov-2005

PUBLIC CONSULTATION

- 11 None

OTHER CONSULTATION

- 12 Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 13 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 14 NPPF paragraph 67 states, *"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a*

building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

- 15 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *"The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. " The Council will also require that any advertisement has regard to the safe use and operation of any form of transport".*

Amenity

- 16 As stated above a previous application has either been refused and/or been subject of a split decision as concerns were raised at that time relating to visual harm and amenity.
- 17 When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
- 18 In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 914mm by 458mm compared to other signage associated with road junctions means any impact that they would have is limited.
- 19 Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably resisted on amenity grounds.
- 20 Consideration has also been given to the relationship with the adjoining listed gates to Mary Stevens Park. In this case it is not considered that the proposed signage due to its modest scale would cause any significant harm to the setting of the designation.

Public Safety

- 21 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 22 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 23 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan..

RECOMMENDATION

- 24 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and

environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

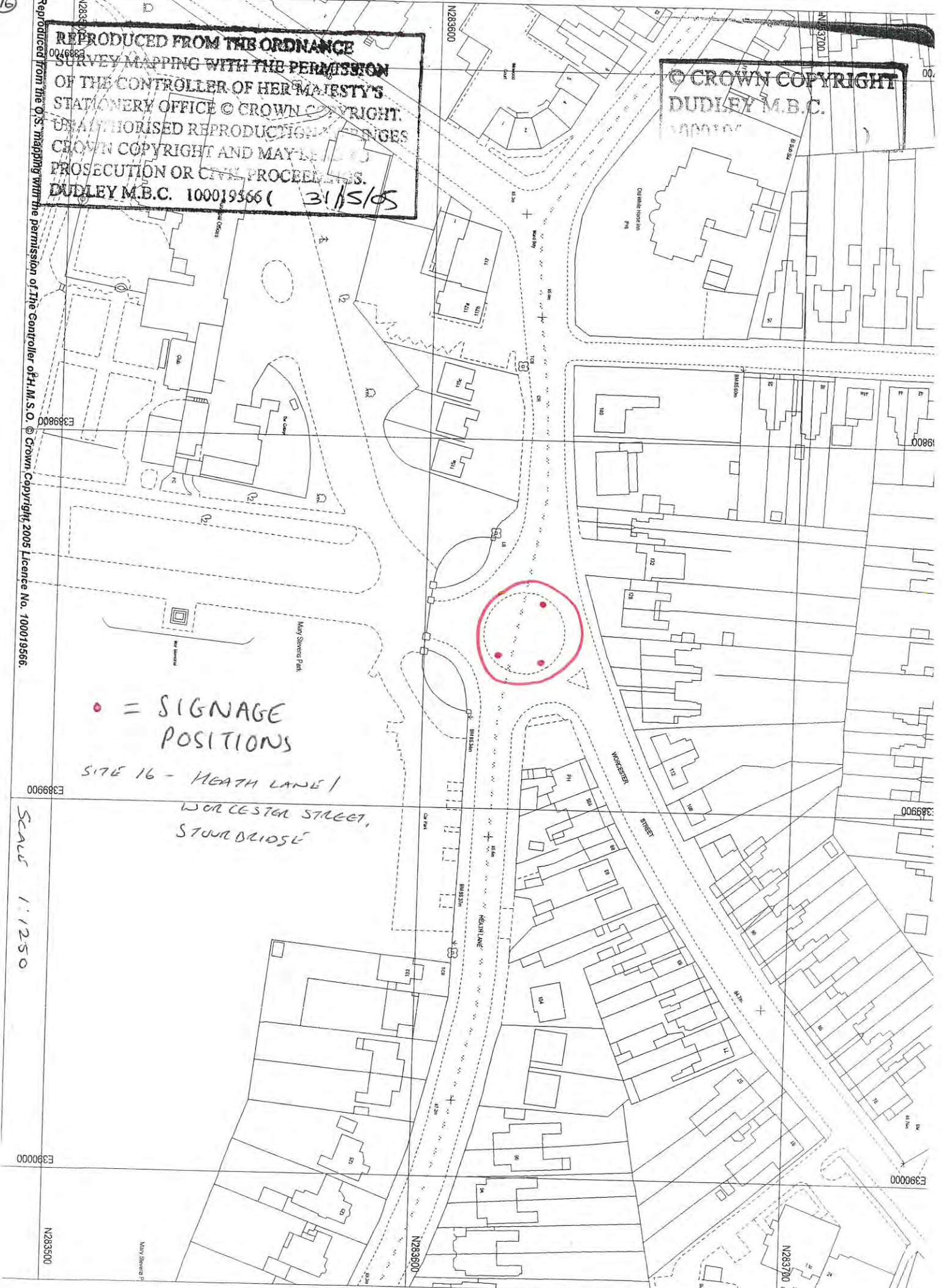
Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers]

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• = SIGNAGE POSITIONS

SITE 16 - MEATH LANE / WORCESTER STREET, STOUR BRIDGE

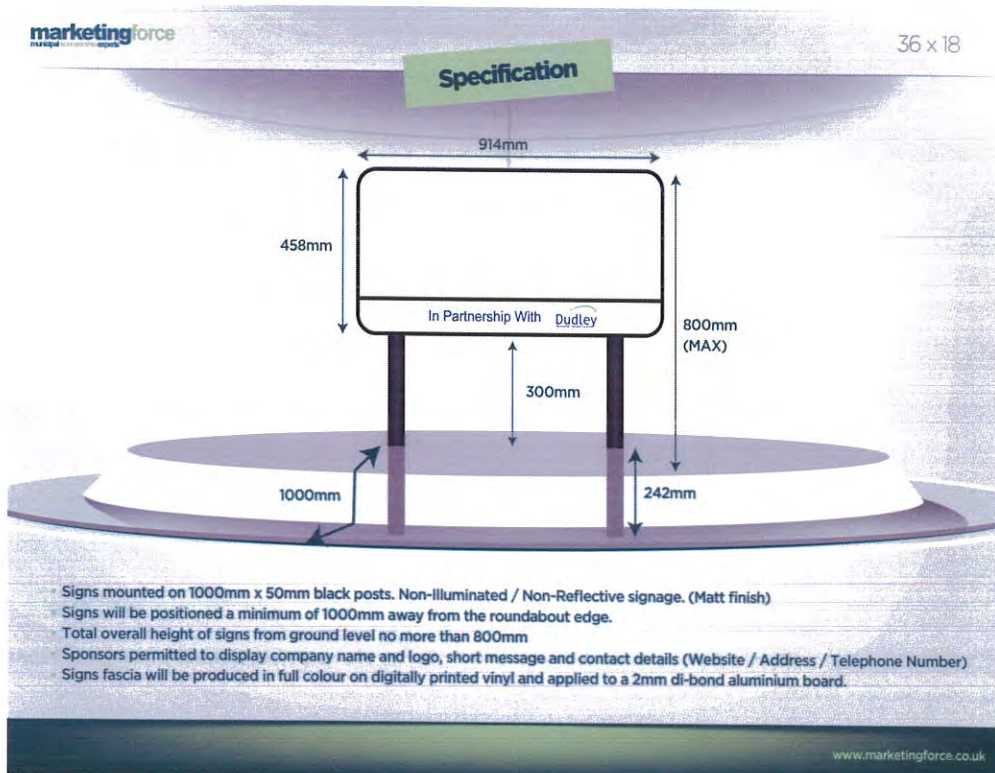
SCALE 1:1250

Site 16 – Heath Lane/Worcester Street, Stourbridge
 Existing site – propose increasing number of signs from 1 to 3

Site 16 - Worcester St Entrance



- Total 3 signs:-
 1 sign at entrance Heath Road – consent granted
 1 sign at entrance South Road
 1 sign at entrance Worcester Street



PLANNING APPLICATION NUMBER:P13/1697

Type of approval sought	Advertisement
Ward	Quarry Bank & Dudley Wood Lye and Stourbridge North
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT THORNS ROAD/CALEDONIA, QUARRY BANK, BRIERLEY HILL, WEST MIDLANDS
Proposal	DISPLAY 3 NO. NON-ILLUMINATED SPONSORSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The application site consists of a vehicular roundabout at the junction of Thorns Road and Caledonia in Quarry Bank.
2. The surrounding area is a mix of residential and industry, with residential uses generally to the west and industrial uses to the east of Thorns Road.
3. There are 4 existing circular directional and chevron signs on the island and two existing advertising signs.

PROPOSAL

4. This is an application under the advertisement regulations for the provision of 3 roundabout sponsorship signs measuring 914mm by 458mm mounted on two black posts with a total height of 800mm. Each sign would be set in at least 1m from the edge of the carriageway.

5. The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also includes a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
6. The signs would be located opposite the roundabout entrances from Thorns Road (2) and Caledonia.
7. The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
8. The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites thought out the borough.

HISTORY

9.

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1285	Display 4 No non illuminated signs on highway island	Refused	10/06/05
P05/1784	Display of 2 No non illuminated signs on highway island	Approved	12/08/05

10. The application P05/1285 was refused for the following reasons:
 1. The propsoed signage by virtue of their position and appearance would result in the clutter of signage and would constitute an incongruous and intrusive feature on the traffic island set against a landscaped background, detrimental to the visual amenity of the surrounding area. This would be contrary to DD14 Advertisement Control (Dudley Untiary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide

and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

2. The proposed display of signage would cause additional dangers to users of the highway by distracting the attention of drivers of vehicles and would therefore be detrimental to public safety. This would be contrary to DD14 Advertisement Control (Dudley Unitary Development Plan Revised Deposit), Planning Guidance Note 11 - Advertisement Display Guide and advice given in Planning Policy Guidance Note 19 - Outdoor Advertisement Control.

The subsequent application for two signs was approved the reduced signage was considered to have overcome the reasons for refusal.

PUBLIC CONSULTATION

11. None required.

OTHER CONSULTATION

12. Group Engineer (Highways): Concerns are raised, in that the roundabout has a higher than average accident rate, although recognise there is no proven link between modest advertising signage and accidents.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

13. The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

14. NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
15. Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“ The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

16. As set out in the planning history a previous application has been refused with concerns relating to visual harm and amenity.
17. When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.

18. In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 914mm by 458mm compared to other signage associated with road junctions means any impact that they have would be limited.
19. Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably defended on amenity grounds, particularly as the application site is not the subject of any statutory designations.

Public Safety

20. The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
21. The Group Engineer (Highways) maintain that from a public safety point of view that whilst there is no proven evidence to support that the proposed advertising signs cause accidents at traffic roundabouts the highway Authority suggest ongoing concerns in relation to road accidents and in particular for vulnerable road users.
22. The recorded accident history at this junction is higher than the accepted accident rate.
23. In the interests of public safety the Group Engineer (Highways) would wish to raise safety concerns regarding this application.

CONCLUSION

24. The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm and whilst there are concerns from a highway safety point of view it is not proven that the signs would

have a detrimental impact on highway safety. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

25. It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

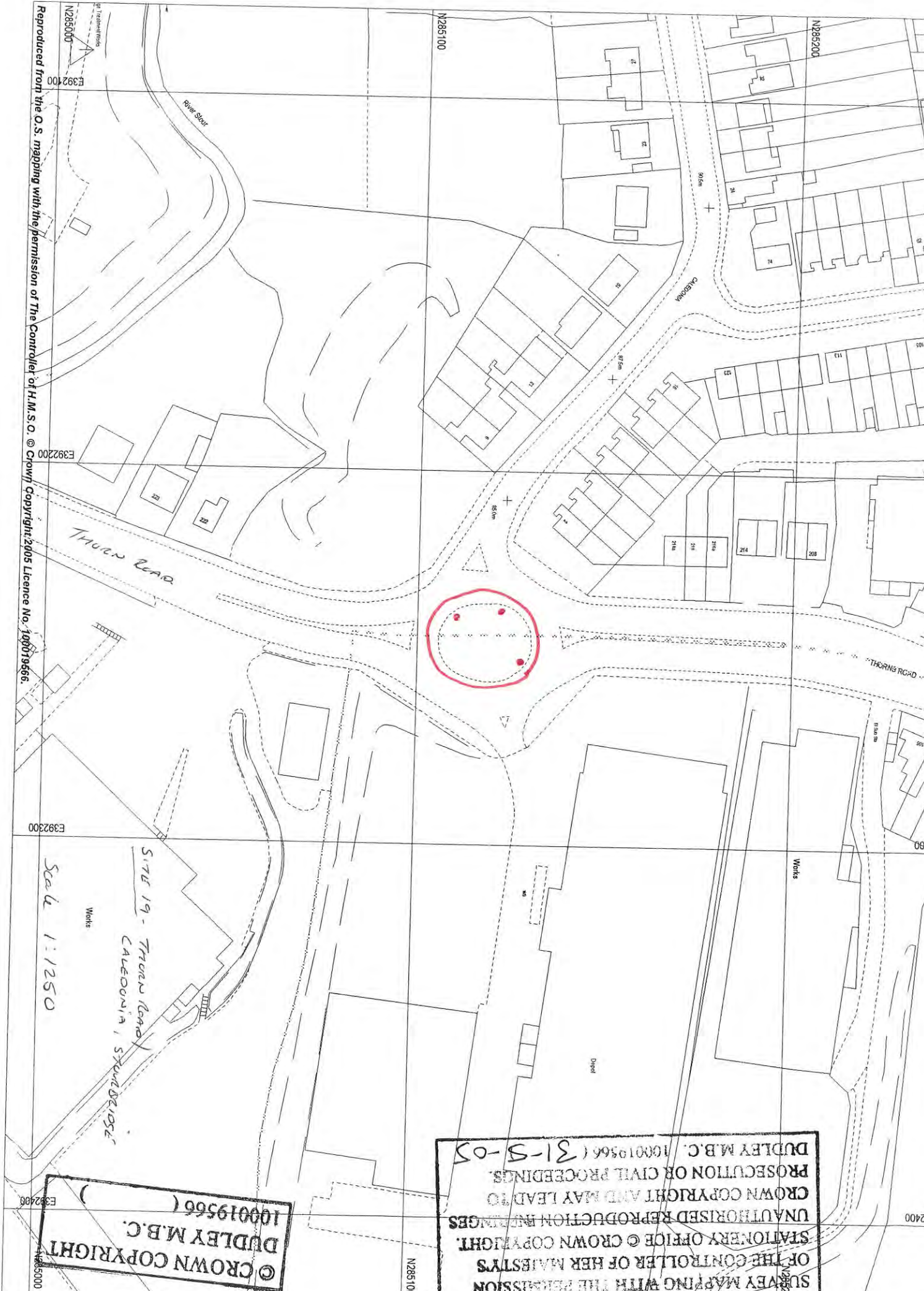
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1 and Appendix 2.



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Scale 1:1250
Works
SITE 19 - THORN ROAD
CALEDONIA, STRATHGROVE

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• = SIGNAGE POSITIONS

218

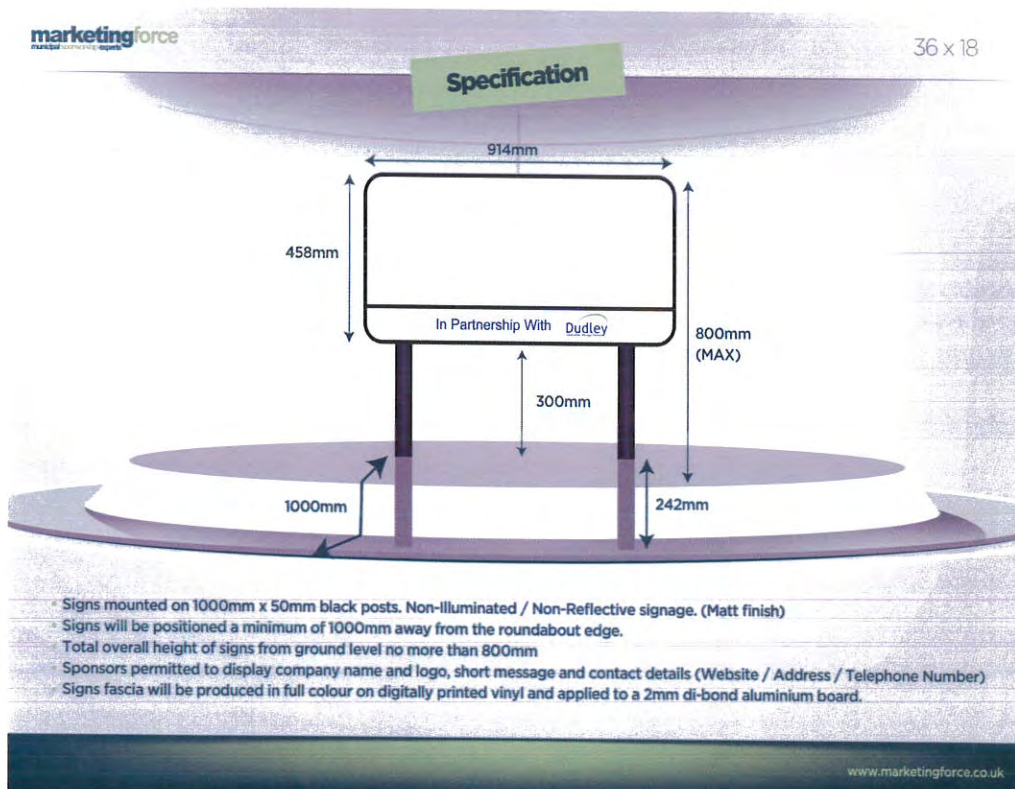
19

Site 19 – Thorns Road/Caledonia, Stourbridge
 Existing site – propose increasing number of signs from 2 to 3

Site 19 - Thorns rd entrance



- Total 3 signs:-
 1 sign at entrance Thorns Road North – consent granted
 1 sign at entrance Thorns Road South – consent granted
 1 sign at entrance Caledonia



PLANNING APPLICATION NUMBER: P13/1698

Type of approval sought	Advertisement
Ward	Pedmore & Stourbridge East
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT HAM LANE/WOLLESCOTE ROAD, STOURBRIDGE, WEST MIDLANDS, DY9 7FR
Proposal	DISPLAY 4 NO. NON-ILLUMINATED SPONSORSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Ham Lane, Grange Lane, Wollescote Road and Chawn Hill in Pedmore.

- 2 The surrounding area is on the edge of the conurbation and therefore has a semi rural character although there are a number of residential properties in the wider area. There are a number of traffic signs on and within the vicinity of the roundabout.

- 3 There are two existing advertisement signs opposite the roundabout at the entrances from Ham Lane and Grange Lane.

PROPOSAL

- 4 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs (including the replacement of the two existing advertisement signs) measuring 914 mm by 458 mm mounted on two black posts 800mm high. Each sign would be set in at least 1 m from the edge of the carriageway.

- 5 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"
- 6 The signs would be located opposite the roundabout entrances from Ham Lane, Grange Lane, Wollescote Road and Chawn Hill.
- 7 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 8 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.
- 9 The existing 2 advertisement signs were approved at the site in November 2005.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/1284	Display 4 Non illuminated signs on highway island	Refused	15-Jul-2005
P05/1787	Display 2 Non illuminated signs on highway island (resubmission of refused application P05/1284)	Granted	08-Nov-2005

- 10 P05/1284 was refused due to concerns relating to the impact on visual and residential amenity that the proposed 4 signs would cause. The amended scheme (P05/1787) was approved with 2 signs.

PUBLIC CONSULTATION

- 11 None

OTHER CONSULTATION

- 12 Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 13 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 14 NPPF paragraph 67 states, *"Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation."*

Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts".

- 15 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *"The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. " The Council will also require that any advertisement has regard to the safe use and operation of any form of transport".*

Amenity

- 16 As stated above a previous application has either been refused and due to concerns relating to visual harm and amenity.
- 17 When the previous applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
- 18 In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size 914mm by 458mm compared to other signage associated with road junctions means any impact that they would have is limited.
- 19 Therefore on this basis it is not considered that the previous refusal could now be reasonably defended on amenity grounds, particularly as the application site is not subject of any statutory designations.

Public Safety

- 20 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 21 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 22 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number would not result in any significant harm. In addition there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 23 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

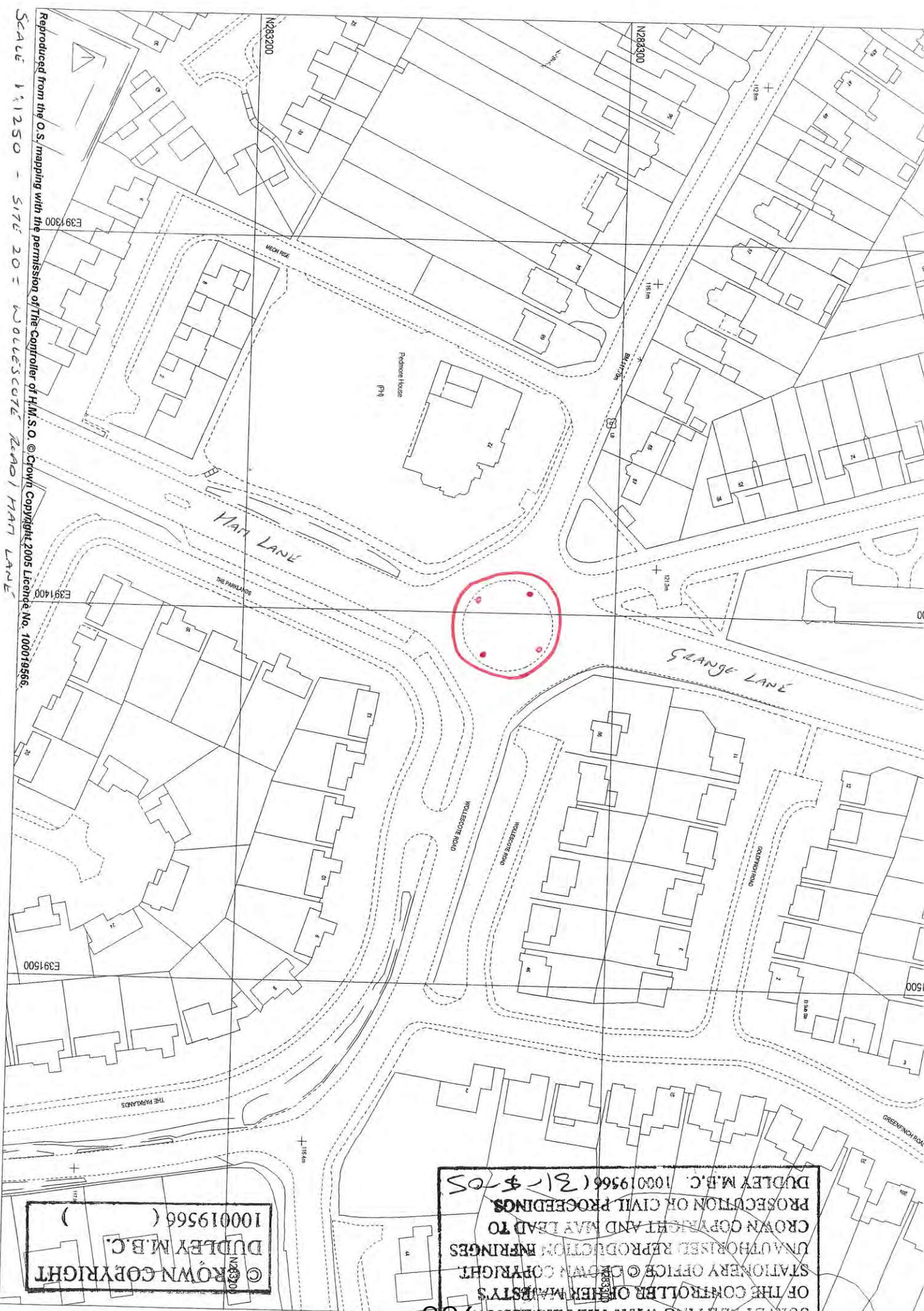
In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers]



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 SCALE 1:1250 - SITE 20 = WOLLSCOTE ROAD / MAR LANE

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● = SIGNAGE POSITIONS

22

Site 20 – Wollescote Road/Ham Lane, Stourbridge

Existing site – propose increasing number of signs from 2 to 4

Site 20 - Ham Lane entrance



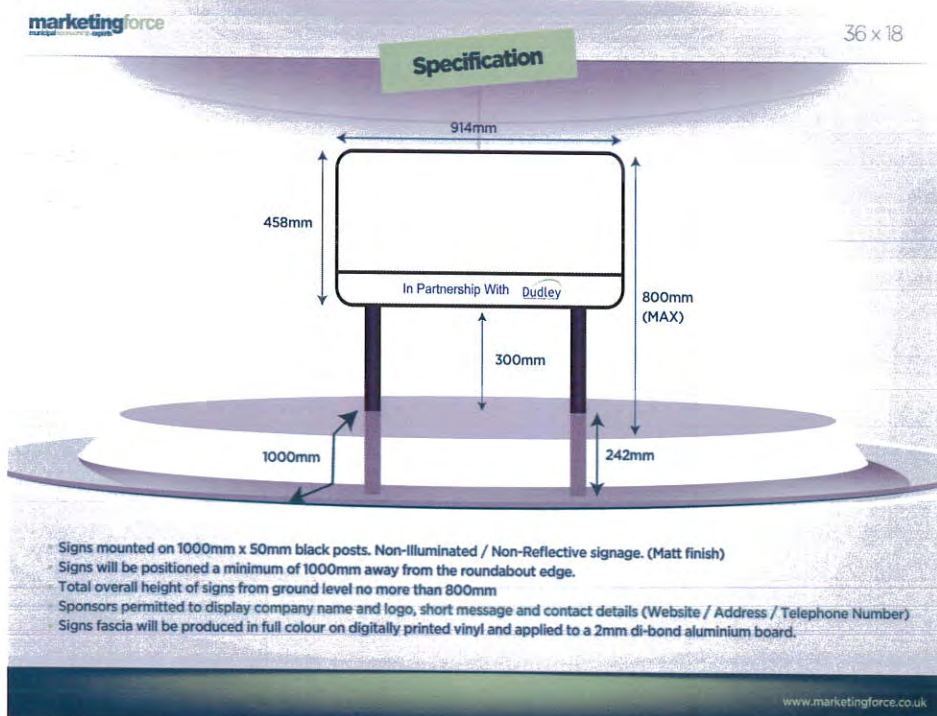
Total 4 signs:-

1 sign at entrance Ham Lane – consent granted

1 sign at entrance Grange Lane – consent granted

1 sign at entrance Wollescote Road

1 sign at entrance Chawn Hill



PLANNING APPLICATION NUMBER: P13/1699

Type of approval sought	Advertisement
Ward	Pedmore & Stourbridge East
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT HAGLEY ROAD/HAM LANE, STOURBRIDGE, WEST MIDLANDS, DY9 0SL
Proposal	DISPLAY 4 NO. NON-ILLUMINATED SPONSERSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Hagley Road, Redlake Road, Ham Lane and Pedmore Lane in Pedmore.
- 2 The surrounding area is principally residential. There are a number of traffic signs on and within the vicinity of the roundabout.
- 3 There are existing advertisement signs located opposite both the Hagley Road entrances to the roundabout.

PROPOSAL

- 4 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs (including the replacement of the existing 2 advertisement signs) measuring 914 mm by 458 mm mounted on two black posts 800mm high. Each sign would be set in at least 1 m from the edge of the carriageway.
- 5 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number,

address). The signs would also include a strip stating “*In Partnership with Dudley Metropolitan Borough Council*”

- 6 The signs would be located opposite the roundabout entrances from Hagley Road (both), Redlake Road, Ham Lane and Pedmore Lane
- 7 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 8 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.
- 9 Two signs were approved at the site in November 2005.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
P05/1283	Display 4 Non illuminated signs on highway island.	Refused	15-Jul-2005
P05/1788	Display 2no. non illuminated signs on highway island. (Resubmission of refused application P05/1283)	Part Granted Part Refused	08-Nov-2005

- 10 P05/1283 was refused due to visual amenity concerns with the subsequent resubmission (P05/1788) part approved and part refused.

PUBLIC CONSULTATION

- 11 None

OTHER CONSULTATION

- 12 Group Engineer (Highways): No objection

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 13 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 14 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*
- 15 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The*

Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.

Amenity

- 16 As stated above previous applications have been refused and/or been subject of a split decision with concerns raised relating to visual harm and amenity.
- 17 When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
- 18 In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size, 914mm by 458mm, compared to other signage associated with road junctions means any impact that they would have would be limited.
- 19 Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could now be reasonably substantiated on amenity grounds, particularly as the application site is not subject of any statutory designations.

Public Safety

- 20 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 21 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 22 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 23 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby be in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2

21

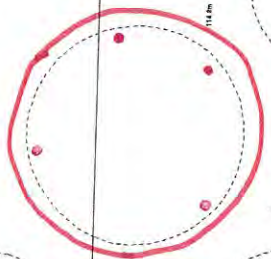
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DUDLEY POLITICAL BOROUGH
OF THE
PLANNING ACTS
COUNCIL ON - 8 NOV 2005
PLANNING CONDITIONS



Hagley Road

Hagley Road

RECEIVED
17/11/05
DUDLEY M.B.C. PLANNING DEPARTMENT

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SCALE 1:1250 - SITE 21 Hagley Road / Ham Lane / Pedmore Lane

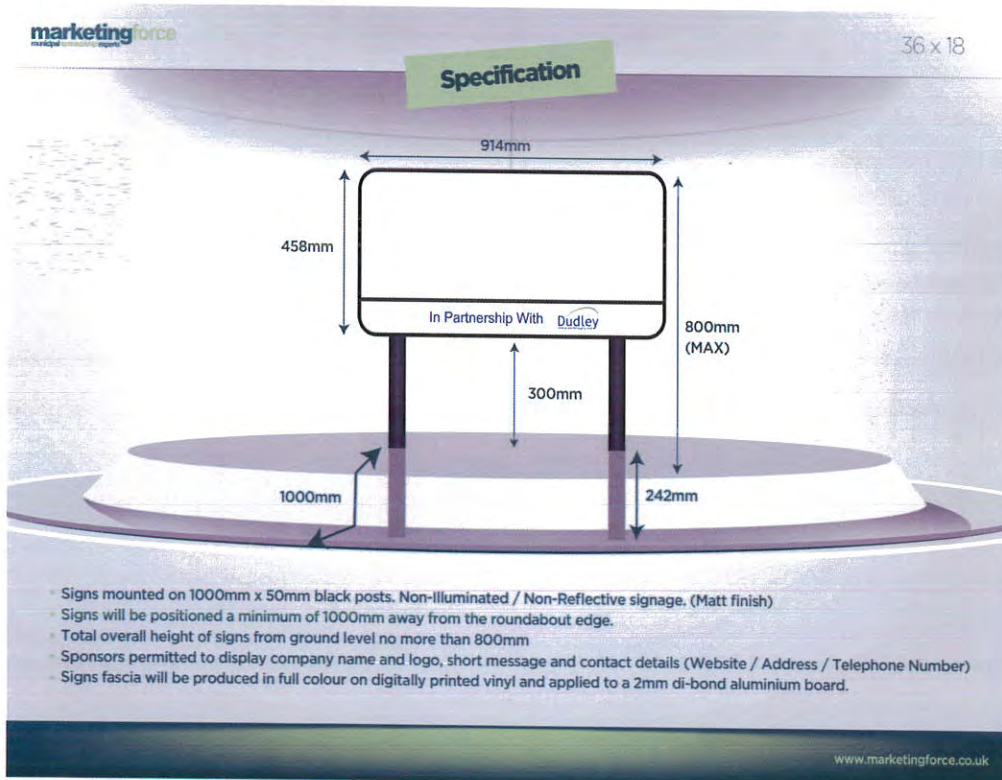
Site 21 – Ham Lane/Pedmore Lane/Hagley Road, Stourbridge
 Existing Site – propose increasing number of signs from 2 to 4

Site 21 - Hagley Rd Entrance



Total 4 signs:-

- 1 sign at entrance Hagley Road North – consent granted
- 1 sign at entrance Hagley Road South – consent granted
- 1 sign at entrance Ham Lane
- 1 sign at entrance Pedmore Lane



PLANNING APPLICATION NUMBER: P13/1700

Type of approval sought	Advertisement
Ward	Halesowen North Halesowen South
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT MUCKLOW HILL/SYLVAN GREEN, HALESOWEN, WEST MIDLANDS, B62 8ER
Proposal	DISPLAY OF NON-ILLUMINATED ADVERTISEMENT SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Spies Lane, Carers Lane Manor Lane and Kent Road in Lapal, Halesowen.
- 2 The surrounding area includes a mix of residential and commercial uses. There are a number of traffic signs on and within the vicinity of the roundabout.
- 3 There is an existing 900mm by 400mm (mounted on two 700mm posts) sign located opposite the Carters Lane entrance.

PROPOSAL

- 4 This is an application under the advertisement regulations for the provision of three roundabout sponsorship signs (including the replacement of the existing sign) measuring 914mm by 458mm mounted on two black posts 800mm high. Each sign would be set in at least 1m from the edge of the carriageway.
- 5 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number,

address). The signs would also include a strip stating “*In Partnership with Dudley Metropolitan Borough Council*”

- 6 The signs would be located opposite the roundabout entrances from Carters Lane, Manor Lane, Kent Road and Spies Lane.
- 7 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 8 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.
- 9 Two signs measuring 900 mm by 400mm (mounted on two 700mm posts) were approved at the site in September 2005.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/1279	Display 4 non illuminated signs on highway island.	Refused	15-Jul-2005
P05/1793	PART A : Display 1 non-illuminated sign on the northern part of highway island. PART B : Display 2 non-illuminated signs on the southern part of highway island (Resubmission of refused application P05/1279).	Part Granted Part Refused	16-Sep-2005

- 10 P05/1279 was refused due to visual impact and amenity. The subsequent resubmission granted consent for the display of 2 signs on this roundabout.

PUBLIC CONSULTATION

11 None

OTHER CONSULTATION

12 Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

13 The main issues are

- Policy
- Amenity
- Public Safety

Policy

- 14 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”*.
- 15 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”*.

Amenity

- 16 As stated above previous applications have been refused and/or been subject of a split decision due to concerns relating to visual harm and amenity.
- 17 When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
- 18 In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size of 914mm by 458mm compared to other signage associated with road junctions means any impact that they would have is limited.

- 19 Therefore on this basis it is not considered that the previous reason for refusal or part refusal of such signage could be reasonably substantiated on amenity grounds.
- 20 Consideration has been given to the setting of the Leasowes Park heritage designations. However, it is not considered that the modest size of the proposed signs would have any impact.

Public Safety

- 21 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 22 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and as there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 23 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number to the roundabout would not result in any significant harm. In addition whilst there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

24 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

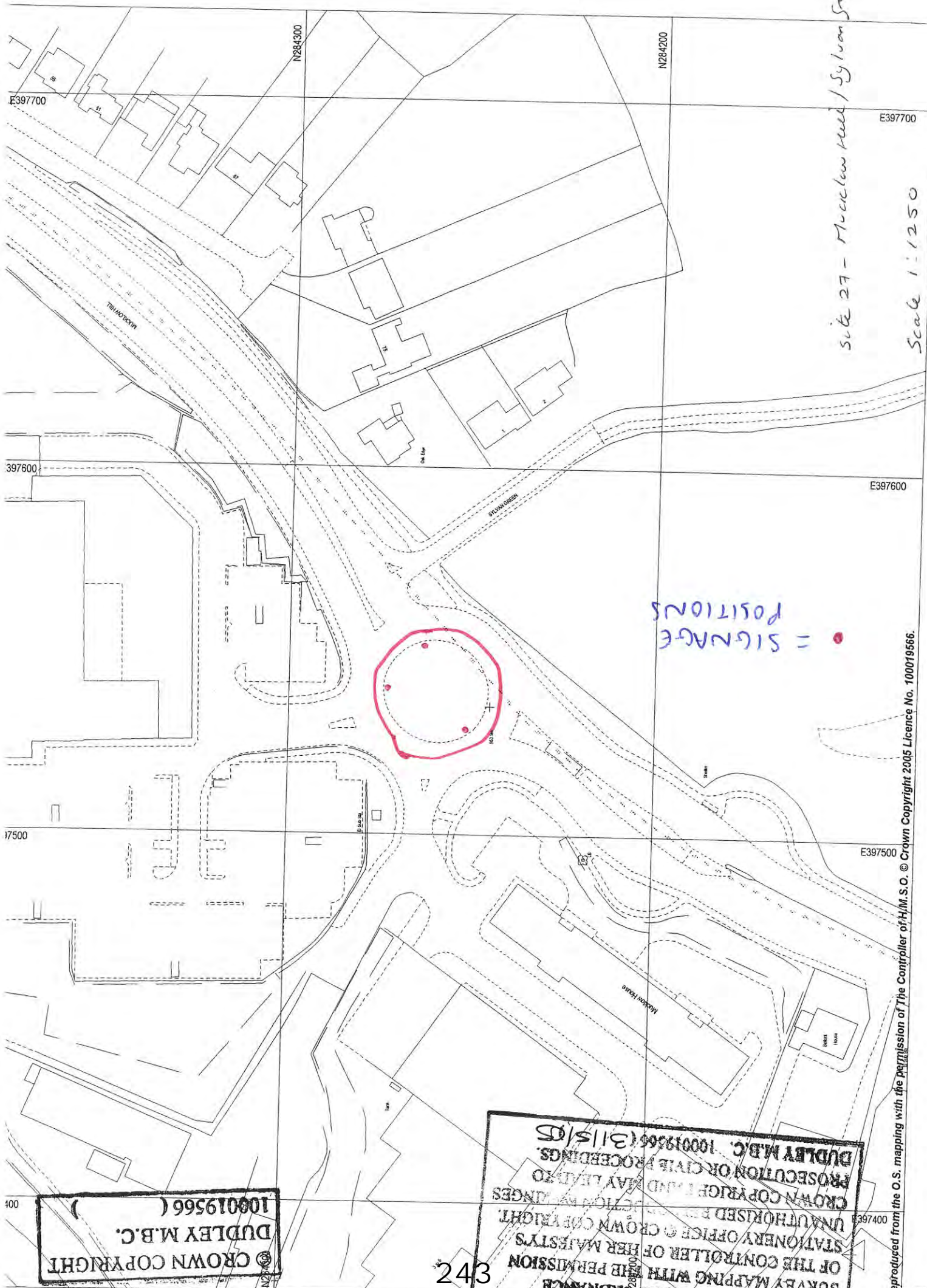
Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2



Site 27 - Mackon Hill / Sylvan Green
 Scale 1:1250

= SIGNAGE POSITIONS

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27

Site 27 – Mucklow Hill/Sylvan Green, Halesowen

Existing Site – proposing increase in number of signs from 2 to 3

Site 27 - Mucklow Hill Entrance

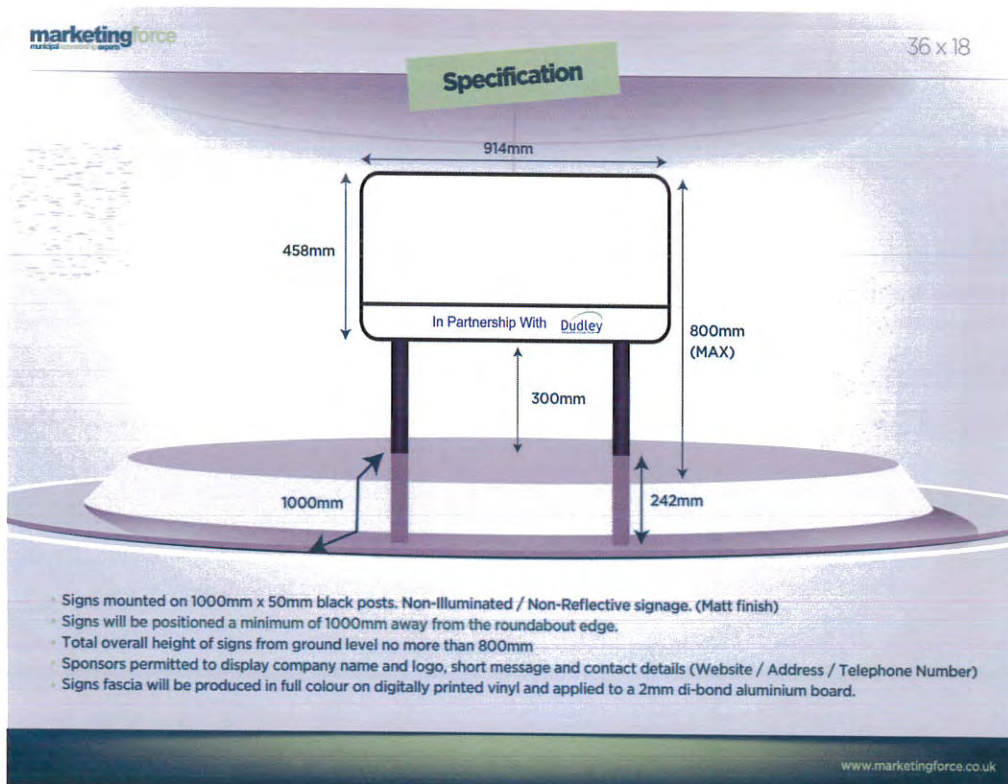


Total 3 signs:-

1 sign at entrance Mucklow Hill – consent granted

1 sign at entrance Mucklow Hill – consent granted

1 sign at entrance B&Q



PLANNING APPLICATION NUMBER:P13/1701

Type of approval sought	Advertisement
Ward	Halesowen South
Applicant	Jan Butcher, Marketing Force Ltd
Location:	ISLAND AT MANOR LANE/SPIES LANE, HALESOWEN, WEST MIDLANDS, B62 0BL
Proposal	DISPLAY 4 NO. NON-ILLUMINATED SPONSORSHIP SIGNS
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

- 1 The application site consists of a landscaped vehicular roundabout at the junction of Spies Lane, Carters Lane, Manor Lane and Kent Road in Lapal, Halesowen.

- 2 The surrounding area includes a mix of residential and commercial uses. There are a number of traffic signs on and within the vicinity of the roundabout.

- 3 There is an existing 900mm by 400mm (mounted on two 700mm posts) sign located opposite the Carters Lane entrance.

PROPOSAL

- 4 This is an application under the advertisement regulations for the provision of 4 roundabout sponsorship signs (including the replacement of the existing sign) measuring 914mm by 458mm mounted on two black posts 800mm high. Each sign would be set in at least 1m from the edge of the carriageway.

- 5 The proposed signs would allow for the provision of a sponsor's name, a company logo, a short message and contact details (i.e. website, telephone number, address). The signs would also include a strip stating "*In Partnership with Dudley Metropolitan Borough Council*"

- 6 The signs would be located opposite the roundabout entrances from Carters Lane, Manor Lane, Kent Road and Spies Lane.
- 7 The applicant has provided a supporting statement with the application which states they work with 100 local authorities with roundabout sponsorship throughout the country.
- 8 The applicant states that it has worked with the Council since 2005 when the signs were first approved at a number of limited sites throughout the borough.
- 9 Two signs measuring 900 mm by 400mm (mounted on two 700mm posts) were approved at the site in September 2005.

HISTORY

APPLICATION	PROPOSAL	DECISION	DATE
P05/1279	Display 4 Non illuminated signs on highway island.	Refused	15-Jul-2005
P05/1793	PART A : Display 1 no. non-illuminated sign on the northern part of highway island. PART B : Display 2 no. non-illuminated signs on the southern part of highway island. (Resubmission of refused application P05/1279).	Part Granted Part Refused	16-Sep-2005

PUBLIC CONSULTATION

- 10 None

OTHER CONSULTATION

- 11 Group Engineer (Highways): The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where

they need to take exceptional care. However, given the low accident rate at this junction and that there is no proven evidence to suggest that advertising signs on traffic islands cause accidents, the Group Engineer Highways, does not feel able, in this case, to raise Highway safety concerns.

RELEVANT PLANNING POLICY

- National Planning Guidance (2012)
National Planning Policy Framework
-Paragraph 67
- Unitary Development Plan (2005) (Saved Policies)
DD14 Advertisement Control
- Supplementary Planning Guidance/Documents
PGN 11. Advertisement display guide

ASSESSMENT

- 12 The main issues are
- Policy
 - Amenity
 - Public Safety

Policy

- 13 NPPF paragraph 67 states, *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts”.*

- 14 Saved Policy DD14 of the Dudley Unitary Development Plan states that: *“The Council will resist the erection of any advertisement which is substantially detrimental to the appearance of the building or on land which it is displayed, or to visual amenity of the surrounding area, or is prejudicial to public safety. “ The Council will also require that any advertisement has regard to the safe use and operation of any form of transport”.*

Amenity

- 15 As stated above previous applications have either been refused and/or been subject of a split decision due to concerns relating to visual harm and amenity.
- 16 When these applications were considered back in 2005, roundabout sponsorship was a comparatively new initiative and was fairly uncommon.
- 17 In the last 8 years sponsorship signs have become recognised pieces of street furniture at many roundabouts and similar road junctions in urban areas around the country. In addition their modest size, 914mm by 458mm, compared to other signage associated with road junctions means any impact that they would have is limited.
- 18 Therefore on this basis it is not considered that the previous refusal or part refusal of such signage could be reasonably substantiated on amenity grounds, particularly as the application site is not subject of any statutory designations.

Public Safety

- 19 The proposed signs are located at a critical section of the junction where they could potentially distract driver's attention at a point where they need to take exceptional care.
- 20 The recorded accident history shows that this junction experiences a low accident rate. Given the low accident rate and there is no proven evidence to suggest that

advertising signs on traffic islands cause accidents, the Highway Authority does not raise any safety concerns.

CONCLUSION

- 21 The proposed signage is not considered to cause any significant harm to amenity in that such sponsorship signs have become regular and frequent features of traffic roundabouts. In addition the modest size of the signs and their limited number on the roundabout would not result in any significant harm. In addition whilst there are no concerns from a highway safety point of view. Consideration has been given to Saved Policy DD14 Advertisement Control of the Dudley Unitary Development Plan.

RECOMMENDATION

- 22 It is recommended that the application be APPROVED subject to the following conditions:

Notes to Applicant

In dealing with this application the Local Planning Authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Informative

In order to avoid any visibility obstruction it is imperative that the correct angle and final position of the approved signage is confirmed prior to its final completion on site. Please therefore contact the Highways Authority to ensure that the details are submitted and agreed.

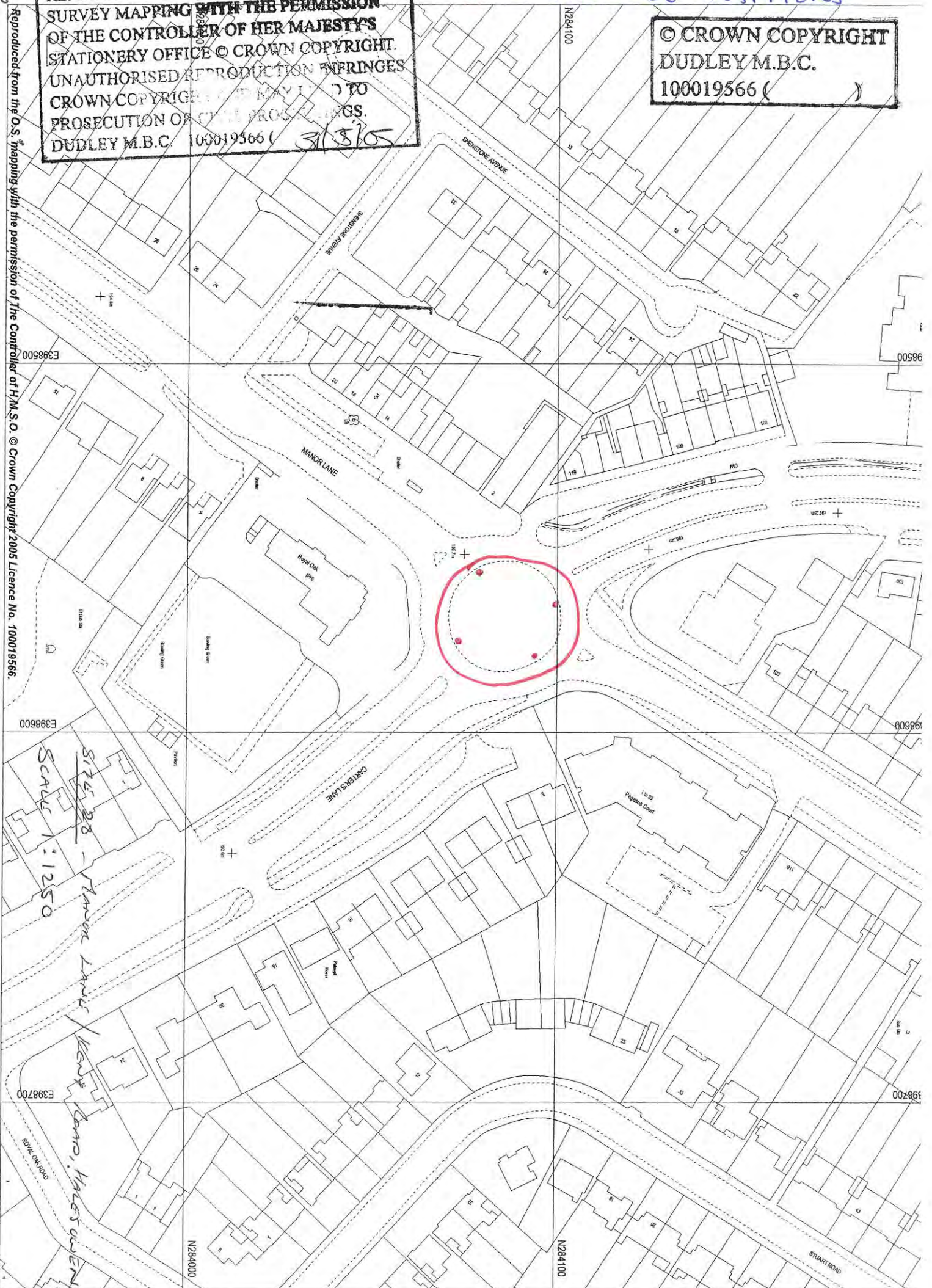
Conditions and/or reasons:

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) Obscure or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
5. Where an advertisement is required to be removed under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the site shall be left in a condition that does not endanger the public or impair visual amenity.
6. This consent shall remain valid for a period of five years from the date hereof.
7. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Appendix 1, Appendix 2

o = SIGNAGE POSITIONS

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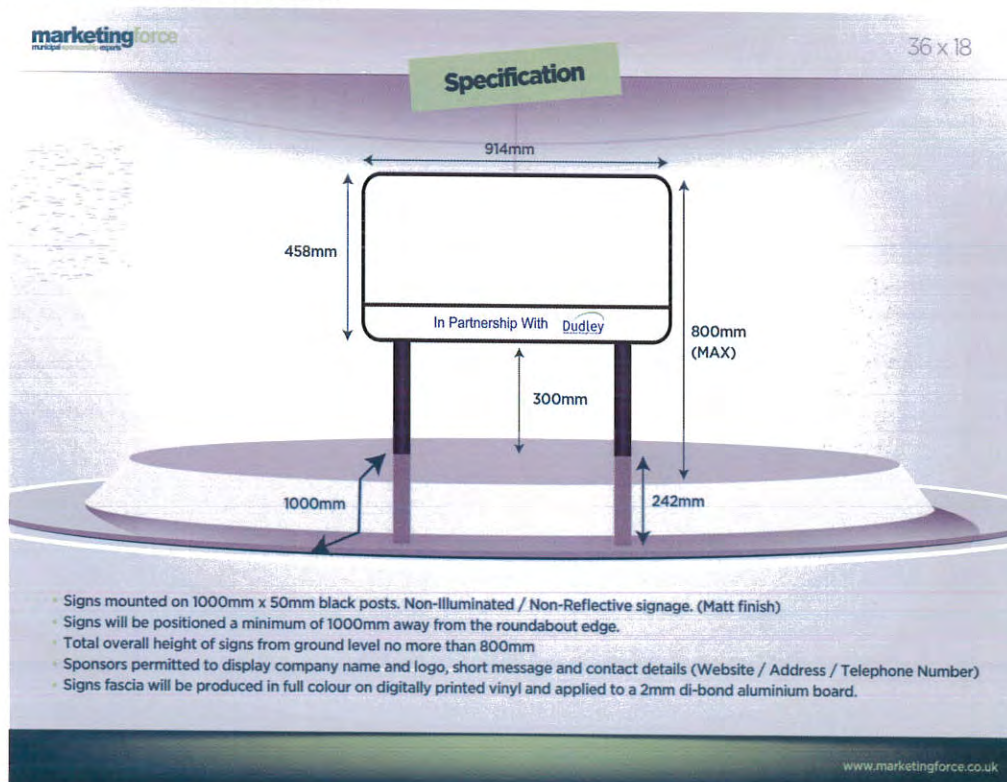
SCALE 1:1250
 8745 28 - Manor Lane / Kent Camp, Waters Green

Site 28 – Manor Lane/Kent Road/Spies Lane, Halesowen
 Existing Site – proposing increase in number of signs from 2 to 4

Site 28 - Kent road entrance



- Total 4 signs:-
- 1 sign at entrance Manor Lane – consent granted
 - 1 sign at entrance Carters Lane – consent granted
 - 1 sign at entrance Spies Lane
 - 1 sign at entrance Kent Road



PLANNING APPLICATION NUMBER: P13/1752

Type of approval sought	Tree Preservation Order
Ward	Sedgley
Applicant	Dudley MBC – GreenCare
Location:	6 & 8, THE VISTA, SEDGLEY, DY3 1QF
Proposal	CROWN THIN 2 LIME TREES BY 20% AND CROWN LIFT.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

TREE PRESERVATION ORDER NO: TPO 703 (2002) – T15 & T16

SITE AND SURROUNDINGS

- The trees subject to this application are 2 mature lime trees that are located in the front gardens of 6 & 8, The Vista, Sedgley. The trees form part of the original planting of the estate and are highly prominent as part of the street scene. Overall it is considered that the trees provide a moderate to high amount of amenity to the surrounding area.

PROPOSAL

- Summary of proposals for the works as written on the application form is as follows:
 - Crown thin 2 lime trees by 20% and crown lift to 5.5 metres.
- The trees have been marked on the attached plan.

HISTORY

- There has been one previous Tree Preservation Order application submitted in relation to these trees.

Application No	Proposal	Decision	Date
P07/1376	Prune 2 lime trees	Approved with conditions	10/09/2007

PUBLIC CONSULTATION

5. At the time of writing no public representations have been received. However the period of public consultation does not expire until the 16th December. Details of any representations received prior to the committee date will be provided to the committee in the form of a pre-committee note.

ASSESSMENT

Tree(s) Appraisal

<i>Tree Structure</i>	Tree 1	Tree 2
TPO No	T15	T16
Species	Lime	Lime
Height (m)	12	10
Spread (m)	8	8
DBH (mm)	550	500
Canopy Architecture	Moderate - Old Pollard	Moderate - old pollard
Overall Form	Good	Good / Moderate
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature

Structural Assessment

Trunk / Root Collar	Good	Good
Scaffold Limbs	Good	Good
Secondary Branches	Good	Good
% Deadwood	5%	5%
Root Defects	None Evident	None Evident
Root Disturbance	None Evident	None Evident
Other		
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Whole No

Vigour Assessment

Vascular Defects	None Evident	None Evident
Foliage Defects	None Evident	None Evident
Leaf Size	Good	Good
Foliage Density	Good	Good
Other		

*Overall
Assessment*

Structure	Good	Good
Vigour	Good	Good
Overall Health	Good	Good

Other Issues

Light Obstruction	Yes	Yes
Physical Damage	None evident	None evident
Surface Disruption	None Evident	None Evident
Debris	Some	Some

Amenity

Assessment

Visible	Yes	Yes
Prominence	High	High
Part of Wider Feature?	Yes	Yes
Characteristic of Area	Yes	Yes
Amenity Value	Moderate / High	Moderate / High

Further Assessment

6. The application has been submitted by the Council's Greencare Department in order to undertake works to the trees that have been identified as required following a condition assessment of the trees.
7. The proposed works is to crown thin the trees by 20% and crown lift the trees to provide a 5.5 metre clearance above ground level. The works are intended to ensure sufficient clearance over the road and to remove any poorly formed, broken, rubbing and duplicated branches within the crowns of the tree and to ensure suitable clearance from the adjacent buildings, street lights and telephone wires.
8. On inspection both trees were found to be in a reasonable condition with no major defects present. However as both trees have been pollarded, the resultant re-growth consists of a number of tight groups stems that are all competing with each other for the available light. If left un-thinned, the chances of future limb failure will increase over time.
9. The proposed works are considered to be appropriate for the trees and in accordance with good management. The works will improve the long term health of the trees and will have little impact on the amenity of the local area.

10. Overall it is considered that the proposed works are acceptable and as such it is recommended that the application be approved.

CONCLUSION

11. The application is to undertake minor pruning works to the trees in order to ensure sufficient clearance over the road and front gardens of the property; to remove any poorly formed, broken, rubbing and duplicated branches within the crowns of the tree and to ensure suitable clearance from the adjacent buildings, street lights and telephone wires.
12. The proposed works will have little impact on the amenity of the area, whilst ensuring the trees are maintained in an appropriate condition for their location.
13. Given the limited impact of the works it is recommended that the application be approved.

RECOMMENDATION

14. It is recommended that application is approved subject to the stated conditions set out below.

Reason For Approval

The proposed works are relatively minor in their nature and will serve to keep the trees in a good condition, appropriate for their location. The works will have little impact on the amenity of the area and are considered to be in accordance with the good management of the trees.

Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.

PLANNING APPLICATION NUMBER:P13/1781

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mcdonald's Restaurants Ltd
Location:	MCDONALDS, BROMSGROVE ROAD, HALESOWEN, B63 3JQ
Proposal	VARIATION OF CONDITION 3 OF PLANNING APPLICATION P10/1001 TO BE REVISED TO “THE PREMISES SHALL NOT BE OPEN TO THE PUBLIC BEFORE 0600 HOURS ON ANY DAY NOR AFTER 2300 HOURS ON ANY DAY”.
Recommendation Summary:	APPROVE SUBJECT TO CONDITIONS

SITE AND SURROUNDINGS

1. The site measures 0.2 hectares and comprises a 1990's built McDonald's drive-through restaurant with associated parking. The site is located on the corner of Vine Lane and Bromsgrove Road with vehicles accessing the site from Vine Lane and exiting the site onto Bromsgrove Road. There is a separate pedestrian access point into the site from Vine Lane. Customer car parking is located wrapped around the restaurant building with the building itself being dual aspect to both Vine Lane and Bromsgrove Road.

2. The site is located within a mixed use area with the buildings located to the north of Vine Lane being commercial in nature. Located on the east side of Bromsgrove Road are 1970's built bungalows, a corner shop located on the junction with Bromsgrove Road and Halesmere Way, a 1950's built church hall and traditional row of terrace properties. Situated on the west side of Bromsgrove Road to the south of the site are a series of inter-war semi-detached dwellings. Immediately located to the west of the site in Vine Lane are two pairs of inter-war semi-detached residential properties.

PROPOSAL

3. The application seeks approval for the variation of condition 3 of planning application P10/1001 to be revised from:

“The premises shall not be open to the public before 0800 hours on any day nor after 2300 hours on any day”

To:

“The premises shall not be open to the public before 0600 hours on any day nor after 2300 hours on any day”

4. The application is accompanied by a Community Consultation Statement.

HISTORY

5. Relevant history

APPLICATION	PROPOSAL	DECISION	DATE
94/50148	Outline a p plication f or t he erection o f d rive t hru restaurant.	Allowed on appeal su bject to conditions	09/01/95
95/50156	Reserved m atters for demolition of existing buildings and erection of restaurant with ancillary acco mmodation a nd construction of accesses.	Approved w ith conditions	16/05/95
95/50157	Reserved m atters for demolition of existing buildings and erection of restaurant with ancillary acco mmodation a nd construction of accesses.	Approved w ith conditions	16/05/95
95/51042	Retention of 6 lighting columns erected around the site.	Approved w ith conditions	19/10/95
96/50727	Restaurant and dr aught l obby extensions.	Approved w ith conditions	27/06/96
98/50008	Extension o f ex isting restaurant to provide additional staff room space and provision of additional refuse area.	Approved w ith conditions	05/02/98
P00/509814	Extensions to ex isting bui lding to create ad ditional booth a nd extended crew room	Approved	28/06/00
P10/1001	Extension t o r estaurant and elevational changes to include new ent rance doors and cladding	Approved	01/09/10
P10/1001/A1	Minor am endment t o previously appr oved application P10/0110	Approved	03/02/11

P13/1200	Reconfiguration of the drive thru lane and car park to provide a side-by-side order point, new island and kerb lines and associated works	Refused	22/10/13
P13/1782	Reconfiguration of the drive thru lane and car park to provide a side-by-side order point, new island and kerb lines and associated works	Awaiting determination	

PUBLIC CONSULTATION

6. The application was advertised by way of neighbour notification letters being sent to the occupiers of nineteen commercial/residential properties within close proximity to the application site. The closing date for responses is 23rd December 2013. To date no objections to the application have been received. If any objections are received they will be included in the pre-committee notes.

OTHER CONSULTATION

7. Group Engineer (Highways): No objections to the extension of the developments opening hours.
8. Head of Environmental Health and Trading Standards: No objection in principle to the proposed extension of the opening time by two hours from 0800 hours to 0600 hours. However, as the change does have some potential to be detrimental to the amenity of the neighbouring residential properties consideration should be given to initially permitting any change for a temporary period of 12 months. This will allow the impact of the earlier hours to be monitored before a permanent change is permitted.

RELEVANT PLANNING POLICY

9. National Planning Guidance (2012)

The NPPF sets out the planning policies for England and how they are expected to be applied. The document states that the “golden thread” running through both plan making and decision taking is a presumption in favour of sustainable development. In making decisions planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

10. Black Country Core Strategy (2011)

DEL1 Infrastructure Provision

ENV3 Design Quality

TRAN1 Priorities for the Development of the Transport Network

TRAN2 Managing Transport Impacts of New Development

11. Saved Dudley Unitary Development Plan Policies (2005)

Policy DD1 – Urban Design

Policy DD2 – Mixed Use

Policy DD4 – Development in Residential Areas

Policy NC10 – The Urban Forest

Policy EP7 - Noise Pollution

ASSESSMENT

Key Issues

- Impact upon Residential Amenity

Impact Upon Residential Amenity

12. The restaurant occupies a prominent location on the corner of Vine Lane and Bromsgrove Road. There are residential dwellings abutting the site directly to the

south in Bromsgrove Road and to the west along Gange Road. Between the restaurant with its associated car park and the residential dwellings there is a heavily treed landscaped area and an acoustic fence.

13. There is currently an application awaiting determination (P13/1782) for the reconfiguration of the existing drive through facility which would require additional land for the construction of a second traffic lane. To this end the application requests the removal of the existing line of acoustic fence and a section of existing trees along the southern and part of the south-western corner of the site and to move the car parking spaces a further 8.5m southwards. A new acoustic fence would then be relocated between the boundary of the extended car park and the reduced landscape area.
14. As part of the submission the application is accompanied by details of a Community Consultation Statement dated October 2013, which indicates that the franchisee of the restaurant has undergone a two month voluntary consultation process to ascertain opinions regarding the extended opening hours. The Statement advises that letters have also been sent to Ward Councillors and to the Chairs of the Council's Development Control and Licensing Committees and that consultation has taken place with local residents. The document concludes that there is support from the proposal and that all feedback has been taken into account and considered.
15. The Head of Environmental Health and Trading Standards is fully aware of both the existing and potential change to the site and has made his comments accordingly. He has concluded that he has no objection, in principle, to the proposed extension of the opening time of two hours from 0800 hours to 0600 hours. However, as the change does have some potential to be detrimental to the amenity of the neighbouring residential properties he requests that initially permission for any change is for a temporary period of 12 months to allow the impact of the earlier hours to be monitored before a permanent change is permitted.

CONCLUSION

16. The increase in the opening hours of the restaurant from 08:00 to 06:00 on any day of the week is supported on a temporary twelve month basis in order to monitor the impact of the earlier opening hours on the amenity of local residents. On this basis, the application would comply with Saved Policies DD4 and E P7 of the adopted Dudley Unitary Development Plan.

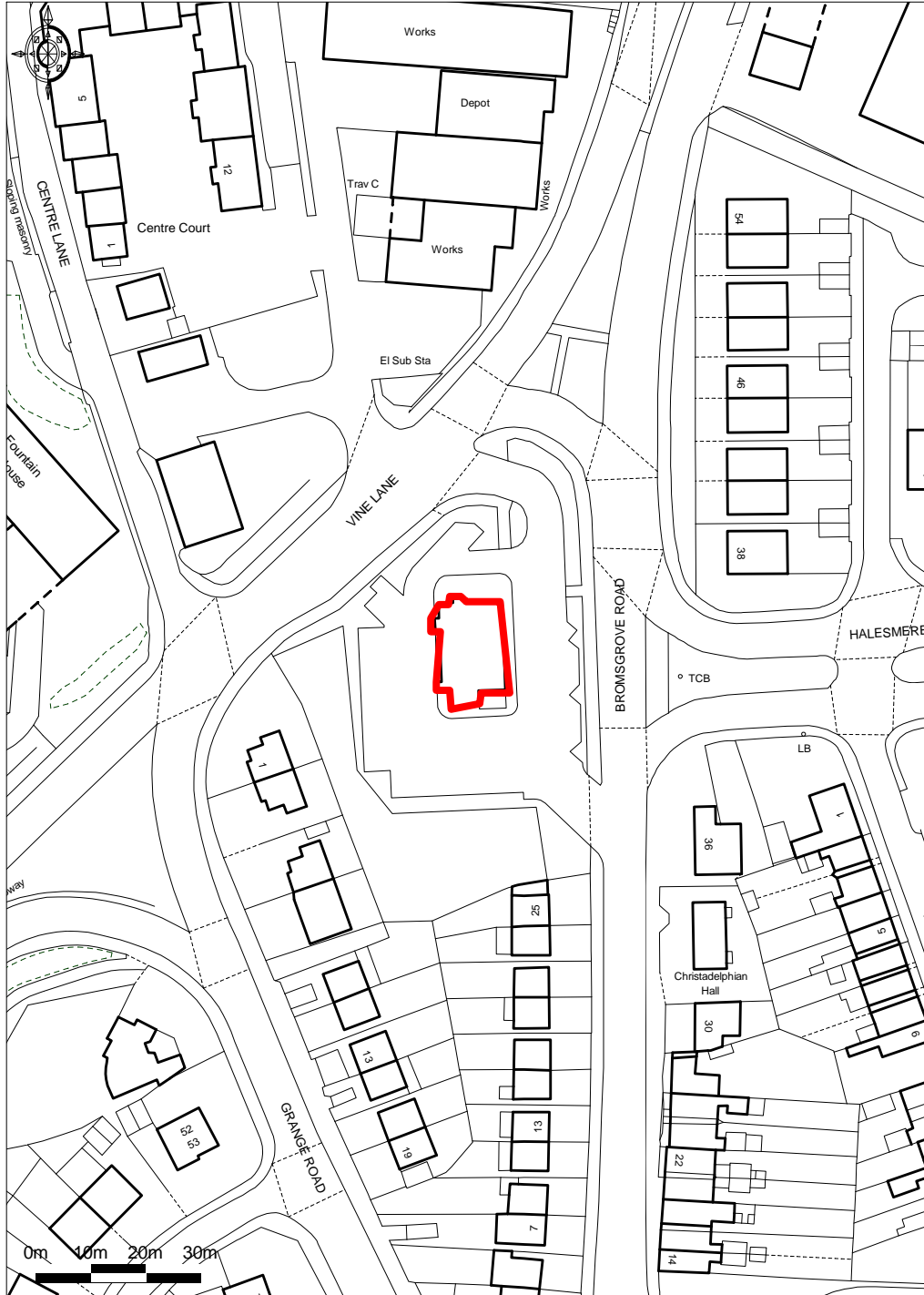
RECOMMENDATION

17. It is recommended that the application is APPROVED subject to the following conditions:

Conditions and/or reasons:

1. The variation of opening time hereby approved shall cease on or before the twelve months from the date of this permission..

McDonald's Halesowen



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Development Control Committee – 6th January 2014

Report of the Director of the Urban Environment

Adoption of the Members and Officers Code of Conduct – Planning Matters

Purpose of Report

1. To inform Members of the amended Code of Conduct prior to its consideration at Cabinet on 12th February 2014.

Background

2. The Council introduced its written Constitution in May 2002. Section 37 of the Local Government Act 2000 requires the Council to keep the Constitution up to date. This is reflected in Article 15, which requires the Monitoring Officer to monitor and review the operation of the Constitution in order to ensure that the aims and principle are given full effect. Full Council is responsible for approving changes to the Constitution after consultation with the Cabinet.
3. The Constitution is an important vehicle by which the Council promotes its overall democratic governance arrangements. An annual review of the Constitution was undertaken in November 2012 and again in October 2013. All previously approved amendments have been fully implemented. Amendments are routinely made to update legal provisions and reflect ongoing operational issues.
4. This report takes account of ongoing changes in the national and local context and it is recognised that further amendments to the Constitution may be necessary during 2013/14 and beyond.
5. At the meeting of Cabinet on 30th October 2013 it was reported that the Member and Officers Code of Conduct Planning Matters, as set out in Part 6 of the Constitution, was undergoing a detailed review to update the guide to reflect recent changes resulting from the Localism Act and to bring it in line with best practice nationally. The opportunity has also been taken to make changes to clarify and refine certain procedures as a result of practical issues encountered over the last year. The review is now completed and has taken into account the changes to the Members and Officers Code of Conduct Planning Matters, at part 6 within the constitution the rules on the declaration of interests and various other aspects associated with the development control process.
6. The main development control changes include:-
 - Changes to public speaking to allow a maximum of two Ward Members to speak (one in support and one in objection).

- Clarity in respect to attendance at informal and formal site visits and where a formal visit is not attended by a member removal of the ability to vote when the matter is finally considered.
 - Clarity on declarations of interests following the Localism Act (2011) changes.
7. A copy of the amended Members and Officers Code of Conduct Planning Matters is available to view on the Committee Information Management System.

Finance

8. There are no financial implications arising from this report. Any costs arising from compliance with the Constitution are met from existing budgets.

Law

9. Section 37 of the Local Government Act 2000 requires the Council to keep its Constitution up to date.
10. Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision.

Equality Impact

11. This report complies with the Council's policies on equality and diversity and there are no particular implications for children and young people.

Recommendation

12. It is recommended that:-

(1) That Members of the Development Control Committee note the amendments to the Members and Officers Code of Conduct - Planning Matters to be considered by Cabinet as part of the constitution of the Council.



.....
J. B. Millar
Director of the Urban Environment

Contact Officers: Helen Martin (Head of Planning)
 Email: helen.martin@dudley.gov.uk
 Telephone: 01384 814186

List of Background Papers:

- A. The Members Code of Good Practice.

DUDLEY MBC

**CODE OF CONDUCT FOR
MEMBERS AND OFFICERS -
PLANNING MATTERS**

ADOPTED CODE OF CONDUCT FOR MEMBERS AND OFFICERS - PLANNING MATTERS

1. INTRODUCTION

- 1.1 This Code has been prepared and adopted for the guidance of Officers and Councillors in their dealings with planning matters. The Code was adopted by the Council on [].
- 1.2 **The aim of this code** is to ensure that, in the planning process, there will be no grounds for suggesting that a planning decision has been biased, partial or not well founded on planning considerations and to inform potential developers and members of the general public of the standards adopted by the Council and the performance of its planning function.
- 1.3 **The aim of the planning process** is to plan control and manage development in the public interest.
- 1.4 **When this code applies** - to all members of the Development Control Committees and officers at all times when they are involved in the planning process. This would include, for example, making decisions at Development Control Committees, or if an officer, making delegated decisions on applications, or on less formal occasions such as meetings between members and Officers and/or Members of the public on planning matters. The Code applies equally to planning enforcement matters or site-specific policy issues and to planning applications.
- 1.5 Planning decisions made by Councillors can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions

on a planning matter must be open and transparent and the involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are:-

- 1.5.1 The key purpose of planning is to deliver sustainable development which effectively balances economic, social and environmental interests and takes relevant location circumstances into account.
- 1.5.2 Your overriding duty as a Councillor is to all residents in Dudley and in relation to planning issues to help ensure that the Council's planning policies are achieved.
- 1.5.3 Your role as a member of the Planning Authority is to make planning decisions openly, impartially, with sound judgment and for justifiable reasons.
- 1.5.4 Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which councillors have to decide.
- 1.5.5 Section 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan (the Black Country Core Strategy, the Unitary Development Plan and any other development plan document) unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to proper planning considerations and are made impartially and in a way, which does not give rise to public suspicion or mistrust.
- 1.5.6 The Code applies to all decisions of the Council on planning related matters. This includes Members' involvement in any planning

application, whether or not it is reported to a Committee, all applications determined by any committee or by Full Council acting as a local Planning Authority.

1.5.7 When acting in your capacity as a Councillor you must have regard to the Council's adopted Code of Conduct.

1.6 If you have any doubts regarding whether this Code of Conduct for Members or Officers applies to your particular circumstances then you should take advice at the earliest possible opportunity from the Monitoring Officer or one of their staff. Any such advice should be sought well before any meeting of the local Planning Authority takes place.

2. THE MEMBERS' CODE OF CONDUCT

2.1 The Member's Code of Conduct sets out the standards of behaviour expected of Councillors and the requirements in relation to the declaration of interests in the Members' Register of Interests and at meetings. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code, and particularly the requirement to properly declare all interests.

2.2 **DO** comply with the requirements of the adopted Code of Conduct first.

2.3 **DO** then apply the rules in this Planning Code of Good Practice which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control.

2.4 If you have any doubts about the application of this Code to your own circumstances, you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.

2.5 **If you do not** follow and apply the Code then you may put:-

2.5.1 the Council at risk of proceedings challenging the legality of the decision made or of a complaint to the Ombudsman in respect of alleged maladministration; and

2.5.2 yourself at risk of sanction if there has been a failure to comply with the adopted Members' Code of Conduct.

3. DEVELOPMENT PROPOSALS AND DECLARATION OF INTERESTS UNDER THE MEMBERS' CODE OF CONDUCT

3.1 When considering planning matters, Members may find that they need to:-

3.1.1 declare interests in accordance with the requirements of the adopted Code of Conduct; or

3.1.2 indicate whether or not they may have come to a fixed view on a planning application prior to the meeting (i.e. pre-determination).

3.2 The existence and nature of any interest should be disclosed in accordance with this Code at any Development Control Committee, any informal meetings or discussions with Officers and any other Members.

3.3 Members should preferably disclose their interests at the commencement of the meeting and not at the beginning of the discussion on that particular matter.

3.4 **Where you have a Disclosable Pecuniary Interest (DPI's)**

- 3.4.1 **DO NOT** participate or give the appearance of trying to participate in the making of any decision by the Local Planning Authority.
- 3.4.2 **DO NOT** try to represent ward views - get another Ward Member to do so instead.
- 3.4.3 **DO NOT** get involved with the processing of the application and direct any queries or technical matters to the relevant officer.
- 3.4.4 **DO NOT** seek or accept preferential treatment or place yourself in such a position so as members of the public would think you are receiving preferential treatment because of your position as a Councillor. An example would be where a member has an interest in a property and uses his/her position as Councillor to discuss a planning application with Officers or Members when ordinary members of the public would not have the same opportunity to do so. You may need to identify another local member who is prepared to represent local interests.
- 3.4.5 There is a requirement to withdraw from the meeting whilst the item is being discussed

3.5 **Development Proposals and Interests under the Members' Code**

- 3.5.1 **DO** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate Officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. However, you will be able to make use of the public speaking scheme to address the meeting on the proposal but, unlike an ordinary member of the public, you will then

have to withdraw from the room whilst the meeting considers the proposal.

3.5.2 **DO** notify the Monitoring Officer in writing of your own application **or where you are acting as an agent for the applicant** and note that:-

3.5.2.1 Notification to the Monitoring Officer should be made no later than submission of the application;

3.5.2.2 The proposal will always be reported to the Development Control Committee as a main item and not dealt with by officers under delegated powers; and

3.5.2.3 **For your own application** it is advisable that you employ an agent to act on your behalf of the proposal in dealing with the officers and public speaking at Committee.

3.5.2.4 **Where you act as an agent you will be able to use the public speaking scheme to address the meeting but you must withdraw from the meeting once you have made representations to the Committee.**

3.6 Other Interests

3.6.1 **In addition to the Disclosable Pecuniary Interests, the Members Code of Conduct requires Councillors to disclose certain “other” interests in the following circumstances:**

3.6.1.1 If a decision in relation to a matter might reasonably be regarded as affecting the wellbeing or financial standing of

you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax Payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the Council's administrative area; or

3.6.1.2 It relates to or is likely to affect any of the Disclosable Pecuniary Interests, but in respect of a member of your family (other than a relevant person referred to on the form) or a person with whom you have a close association.

3.6.2 *You should withdraw from the meeting in circumstances where your impartiality might be called into question. If in doubt, always seek advice from the Monitoring Officer.*

3.7 **PRE-DETERMINATION IN THE PLANNING PROCESS**

3.7.1 The allowance made for Councillors to be predisposed to a particular view is a practical recognition of:-

3.7.1.1 the role played by party politics in Local Government;

3.7.1.2 the need for Councillors to inform constituents of at least an initial view on a matter as part of their public role;

3.7.1.3 the structure of local government which ultimately requires the same Councillors to make decisions.

3.7.2 It is, therefore, particularly important for elected Councillors to have a clear understanding about the implications of expressing strong opinions or views on planning matters.

- 3.7.3 Section 25 of the Localism Act, 2011 introduces provisions for dealing with allegations of bias or pre-determination or matters that otherwise raise an issue about the validity of a decision, whether the decision-maker(s) had or appeared to have a closed mind (to any extent) when making the decision.
- 3.7.4 The provisions in the Localism Act do not involve a change in the law. It puts the common law position of bias or pre-determination on a statutory basis.
- 3.7.5 The Act provides that a decision-maker is not to be taken to have had (or to have appeared to have had) a closed mind when making the decision just because:-
- 3.7.5.1 they had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take, in relation to a matter, and
- 3.7.5.2 the matter was relevant to the decision.
- 3.7.6 With this provision the Government expect Councillors to be able to publicise their views on issues, indicate their voting intentions and to engage fully with their local communities without this affecting their participation in the Council's formal decision making. In addition, Councillors should be able to engage with planning applicants to educate themselves about their proposals.
- 3.7.7 Thus, if a Councillor has campaigned on an issue or made public statements about their approach to an item of Council business, he or she will be able to participate in discussion of that issue in the

Council and to vote on it if it arises in an item of Council business requiring a decision.

3.7.8 However, Councillors will still need to be open minded at the point of decision in the sense of listening to all of the arguments and weighing them against their preferred outcome, before actually voting.

3.7.9 The difference is that the fact that Councillors may have campaigned against a proposal will not be taken as proof that they are not open-minded.

Examples:

In a situation where a member said something like “over my dead body” in respect of voting on a particular issue, the view must be that whilst the provision on pre-determination in the Localism Act might be useful in giving Councillors confidence about making their views on particular issues known, it has not changed the legal position that if a Member could be shown to have approached a decision with a closed mind, that could affect the validity of the decision.

3.7.10 Equally, if a Member had expressed views on a particular issue but could show that when taking the decision they had approached this with an open mind and taken account of all the relevant information, they could reasonably participate in a valid decision.

3.8 Important points to bear in mind:

3.8.1 If you give an indication of your viewpoint, when debating an application at DC Committee you must, at the outset, ensure that you indicate that you will take all relevant considerations into

account and that the decision will be based firmly on planning grounds and that they will ensure views are fully heard and taken into account by the Council.

3.8.2 It is a good idea to record your involvement.

3.9 **Lobbying by Councillors**

3.9.1 **DO NOT** become a member of, lead or represent, an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a disclosable pecuniary interest and have to withdraw.

3.9.2 **In practice:**

3.9.2.1 A Councillor may campaign for or against a planning application, and still vote at Planning Committee, so long as they go into the meeting with an open mind to hear all the facts and evidence.

3.9.2.2 A Councillor quoted in a newspaper having said, “over my dead body will that planning application be approved. I will never support it under any circumstances”, could be said to have pre-determined the decision. These extreme statements should still be avoided.

3.9.3 It is important to note that if a member has expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that they would approach the decision with a closed mind.

- 3.10 **Fettering your discretion** and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings, on the grounds of there being a danger of bias or pre-determination, or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 3.11 **DO** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body, provided:-
- 3.11.1 The proposal does not substantially effect the well-being or financial standing of the consultee body;
- 3.11.2 You make it clear to the consultee body that:-
- 3.11.2.1 your views are expressed on the limited information before you only;
- 3.11.2.2 you must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, or ward, as and when it comes before the Committee and you hear all of the relevant information; and
- 3.11.2.3 you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Development Control Committee; and
- 3.12 You disclose the interest regarding your membership or role when the Development Control Committee comes to consider the proposal.

3.13 **DO NOT** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.

3.14 **DO** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the Minutes.

4. CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

4.1 Local Authorities are encouraged to enter into pre-application discussions with potential applicants.

4.2 The Council encourages member involvement provided Members' roles in such discussions are clearly understood by Members, Officers, developers and the public. In particular, Members of Development Control Committee need to be aware of the distinction between the giving and receiving of information and engaging in negotiations. Without this Protocol Member involvement may inadvertently open a decision to challenge on the ground of apparent pre-determination. Members **should** also be aware that presentations by developers are, in effect, a form of lobbying and that the principles set out in paragraph 5 are relevant.

4.3 **DO** take advice from the Monitoring Officer if you are invited to attend meetings with applicants, developers or groups of objectors if you are a Member of the Development Control Committee and, therefore, likely to be part of the decision-making process. You will then be in a position to make a decision about your attendance having taken proper account of the issues relating to pre-determination.

- 4.4 **DO** refer those who approach you for planning, procedural or technical advice to officers.
- 4.5 **DO NOT** agree to any formal meeting with applicants, developers or groups of objectors. Where you feel that a formal meeting would be useful in clarifying the issues, such presentation or discussion with an applicant, developer or objector should be part of a structured arrangement organised by officers. You should never seek to arrange the meeting yourself but you should request the Director of the Urban Environment or his Offices to organise it. The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- 4.6 **DO NOT** attend a planning presentation unless a Planning Officer is present and/or it has been organised by officers.
- 4.7 **DO** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the Development Control Committee.
- 4.8 **DO** be aware that a presentation is a form of lobbying and if you express a view, you will need to carefully consider if you have pre-determined the matter prior to the vote.
- 4.9 **DO** otherwise:-
- 4.9.1 follow the rules on lobbying;

- 4.9.2 consider whether or not it would be prudent in the circumstances to make notes when contacted.
- 4.9.3 report to the Director of the Urban Environment any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file.

5. LOBBYING OF MEMBERS

- 5.1 5.1.1 It is acknowledged that lobbying is an integral part of the planning process. However, care has to be taken to avoid members' integrity and impartiality being called in question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as unrepresented applicants/landowners and community action groups.
- 5.1.2 **DO** remember that your overriding duty is to the whole community and not just the people in your own particular ward.
- 5.1.3 **DO** explain to those lobbying or attempting to lobby you that whilst you can listen to what is being said it prejudices your impartiality and may affect your ability to participate in the Committee's decision making to express an intention to vote one way or another.
- 5.1.4 **DO NOT** accept any gifts or hospitality from any person or group involved in or affected by a planning proposal. Whilst a degree of hospitality may be unavoidable, Members must ensure that such hospitality is of a minimum and its acceptance is declared as soon as is possible (and remember to register the gift or hospitality when it is over £25).

5.2 Members **must** enter hospitality in accordance with the rules on gifts and hospitality

5.2.1 **DO** copy or pass on any lobbying correspondence you receive to the Director of the Urban Environment and Head of Planning at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where Officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice.

5.2.2 **DO** immediately refer any offers to the Director of the Urban Environment or and Head of Planning made to you of planning gain or a constraint of development through a proposed s106 obligation or otherwise.

5.2.3 **DO** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality) that may require an investigation.

5.2.4 **DO** note that unless you have a disclosable pecuniary interest you will not have pre-determined a matter or breached this Code if:-

5.2.4.1 you have listened or have received views from residents or other interested parties;

5.2.4.2 you have made comments to residents, interested parties, other Members or appropriate officers, provided the comments have not amounted to a pre-determination of the

issue and you have made it clear that you are keeping an open mind;

5.2.4.3 you have sought information through appropriate channels;
or

5.2.4.4 you are being a vehicle for the expression of opinion or speaking at the meeting as a Ward/Local Member, provided that you explain your actions at the beginning of the meeting or item and make it clear that, having expressed the opinion or ward/local view, that you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. LOBBYING BY DEVELOPMENT CONTROL COMMITTEE MEMBERS

6.1 The Local Government Association report recognises that a Development Control Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duties to be an active ward representative and the overriding duty as a Councillor to the whole community. In these circumstances:-

6.1.1 **DO** join general interest, resident or amenity groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals. Examples of such groups are local civic societies, the Ramblers' Association, the Victorian Society and CPRE. Members **must**, however, disclose any interest in accordance with the adopted Code of Conduct when that group has made representations on a particular matter and such members

should make it clear to that group and to the Development Control Committee that you have reserved judgment and the independent to make up your own mind on each and every proposal.

6.1.2 **DO NOT** excessively lobby fellow members regarding your concerns or views and nor attempt to persuade other members how they should vote in advance of a meeting at which a planning decision is to be taken.

6.1.3 **DO NOT** decide and do not discuss at any political group meeting how to vote on a planning matter or lobby any other member to do so. Political group meetings should never dictate how members should vote on a planning issue.

7. **SITE VISITS BY MEMBERS**

7.1 Sites inspection by Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision as outlined below. Any Member of the Development Control Committee may request a site visit and state the reasons for the request.

7.2 **DO** try to attend site visits organised by the Council where the relevant Development Control Committee has resolved that a visit is required. If you do not attend a formally arranged site visit, you will be unable to participate in the debate or vote on the relevant item when it is formally considered for decisions by the Committee.

7.3 **DO NOT** request a site visit unless you feel it is strictly necessary and where:-

- 7.3.1 Particular site factors are significant in the terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of site inspection; or
- 7.3.2 There are significant policy or precedent implications and site factors need to be carefully addressed and which justify the delay in the decision being made.
- 7.4 **DO** ensure that you treat the site visit only as an opportunity of seeking information and to observe the site.
- 7.5 **DO** ask the officers questions and seek clarification from them on matters, which are relevant to the site inspection.
- 7.6 **DO NOT** hear representations from any other party at the site visit. If you are approached by the applicant, ward member or a third party, advise them that they should make representations in writing to the Council and direct them to or inform the officer that is present.
- 7.7 **DO NOT** express opinions or views to anyone at a site visit.
- 7.8 **DO** not enter a site that is subject to an application or proposal other than on an official site visit, even if it is in response to an invitation, as this may give the impression of bias.
- 7.9 **DO NOT** enter any land adjoining the site which is subject to a proposal without the specific consent of the owner of that land.
- 7.10 Occasionally officers will arrange informal site visits prior to a matter being considered at a Development Control Committee. Whilst Members should make every effort to attend such informal site visits, a Member's non-

attendance at such informal visits will not of itself prevent that member from taking part in the decision-making process.

8. PUBLIC SPEAKING AT MEETINGS

8.1 **DO NOT** under any circumstances allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

8.2 **DO** ensure that you comply with the Council's procedures in respect of public speaking, ***as set out below.***

8.3 Public Speaking at Development Control Committee

8.3.1 In accordance with best practice, the Council has resolved to provide the public with a right to speak at meetings of the Development Control Committee. The intention is to give members of the public and ward members the opportunity to express their views directly to the Committee regarding the planning merits or otherwise of individual planning applications. This right to speak also applies to applicants or their agents.

8.3.2 One person be allowed to speak on behalf of objectors, if any, and one person on behalf of the applicant. The speaker on behalf of objectors should be reached by collective agreement between parties, or if no agreement on representation can be reached on a "first come" basis. Priority will be given to persons who reside or have a business interest in the Borough. In the event of such a circumstance, the final decision will be made by the Director of the Urban Environment in consultation with the Chair of the Committee.

- 8.3.3 Where objectors, *or a ward Member who objects to the application*, have given notice that they wish to speak, the applicant and a Ward Member who supports the application will be offered the same opportunity.
- 8.3.4 If the applicant declines the opportunity to speak, an objector or *Ward Member* and a Ward Member who wishes to support the application will still be allowed to address Committee.
- 8.3.5 If no objector (*including a Ward Member*) wishes to speak, then the applicant will still be given the opportunity of addressing the Committee, but only where the application is recommended for refusal.
- 8.3.6 That each speaker be allowed a single opportunity to a maximum of three minutes to present their case and will not be allowed a second chance to address Committee.
- 8.3.7 The playing of audio or visual material is not permitted, and any materials for circulation such as photographs or plans must be provided to Officers preferably 24 hours (and in any event a reasonable time period) prior to the start of the meeting.
- 8.3.8 If the speaker in their presentation makes comments considered to be inappropriate (such as remarks that could be construed to be inflammatory, derisory or inciting violence), their opportunity to speak will cease immediately irrespective of the time remaining.
- 8.3.9 That the Director of the Urban Environment presents his report to Committee prior to public speaking on each individual planning application.

8.3.10 That no questioning of Members or Officers by speakers, or of speakers by Members or Officers, be allowed.

8.3.11 Any applicant (or their agent), any objector or Ward Member who wishes to speak at a meeting of the Development Control Committee, must notify the Development Control Section by 10.00 a.m. on the Friday prior to the meeting, to enable sufficient time for the Council to contact the other relevant parties. Late requests cannot in the interests of fairness be allowed.

9. THE DECISION MAKING PROCESS

9.1 9.1.1 The Local Government Association report on Probity in Planning: the Role of Councillors and Officers - revised guidance note dated April 2013 on good planning practice for Councillors and Officers dealing with planning matters, advises that a decision on a planning application cannot be made at the Committee meeting until all of the available information is to hand and has been duly considered and any political group meeting prior to a Committee meeting should not be used to decide how Councillors should vote. Accordingly any pre-Committee meetings will solely be for the purpose of enabling an exchange of briefing material between Officers and Members on planning issues of concern in relation to particular applications, and will be open to Members of all political groups.

9.1.2 All applications considered by Development Control Committee or by way of a delegated decision shall be the subject of written reports and clear recommendations. If the recommendations are contrary to the provisions of the Development Plan the material considerations, which justify this, shall be clearly stated. If in the

view of the Officer the matter is finely balanced the report will say so. The recommendations put forward by Officers and the decision by Members are separate parts of the same process, which should be justified by the report and debate respectively.

9.2 MEMBERS RELATIONSHIP WITH OFFICERS

- 9.2.1 **DO NOT** put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or submitting views to the Director of the Urban Environment and such views may be incorporated into any Committee report. If you wish to speak to an officer regarding any proposal then you should speak to the Case Officer as that Officer would know the current position regarding a matter. Alternatively, you can contact the Director of the Urban Environment.
- 9.2.2 **DO** recognise and respect that Officers in the processing and determining of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional Codes of Conduct. You should, therefore, appreciate that Officers' views, opinions and recommendations will be based on their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions and decisions of a Committee or its Members.
- 9.2.3 **DO** consider the Council's Protocol for Member/Officer relationships, which governs the working relationship you have with Officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.

- 9.2.4 **DO** recognise that planning and other professional Officers are part of a management structure and only discuss a proposal outside of any arranged meeting with a Director or those officers who are authorised by their Director to deal with the proposal at a Member level.

9.3 **Committee Reports**

- 9.3.1 When planning applications are reported to the Development Control Committee, reports should be formulated to ensure that all relevant matters are identified and addressed.
- 9.3.2 Reports should be accurate and cover all relevant points, as recommended by the Ombudsman. Relevant points will include a clear exposition of the Development Plan, in particular, the Black Country Core Strategy, the Unitary Development Plan, and any other development plan document site or related history, and any other material considerations. Where necessary, reports should contain a technical appraisal which clearly justifies the recommendation.
- 9.3.3 All reports should have a written recommendation (either to approve or refuse). Oral reporting (except to update a report) should be extremely rare and carefully minuted when it does occur. If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 9.3.4 Reports should include details of any planning obligation required of the applicant, and of any other requirements/legal actions necessary to allow a decision to be implemented.

- 9.3.5 It is particularly important that this process is adhered to. Not only is this a matter of good practice, but failure to do so may constitute maladministration and/or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the Development Plan and the Council's statutory duty under Section 38(6) of the Planning and Compulsory Purchase Act, 2004.
- 9.3.6 Corrections, amendments and the provision of additional information known as Pre-Committee Notes (which becomes available subsequent to the Committee agenda being finalised), should be circulated at the Development Control Committee meeting as an addendum to the formal agenda, or when necessary, reported orally to the meeting. It is important that Members take full account of these Pre-Committee Notes when considering the application and, subsequently, making the decision.

9.4 **DECISION MAKING BY MEMBERS**

- 9.4.1 **DO** ensure that if you request a proposal to go before the Development Control Committee (rather than be determined through Officer delegation) that your reasons are recorded and repeated in the report to the Committee.
- 9.4.2 **DO** come to a meeting with an open mind on a matter and do demonstrate that you are open-minded.
- 9.4.3 **DO** comply with the Sections 38(1) and 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan and in particular the Black Country Core

Strategy, the Unitary Development Plan and any other development plan documents unless material considerations indicate otherwise.

- 9.4.4 **DO** come to you decision only after due and proper consideration of all of the information reasonably required upon which to base a decision. If you feel that there is insufficient time to consider new information or there is insufficient information before you then you should request that further information and, if necessary, defer or, if substantiated, refuse the application.
- 9.4.5 **DO** not vote or take part in a discussion at a meeting unless you have been present for the entire meeting or for the whole of the matter in question (and this includes the public speaking and the officers' introduction to the matter). If a member needs to leave a meeting for a short period, such as for a comfort break, that member should seek an adjournment.
- 9.4.6 **DO** have recorded the reasons for Committee's decision to defer any proposal.
- 9.4.7 **DO** make sure that if you are proposing, seconding or supporting a decision **contrary to** Officer recommendation or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons, like all reasons in such matters, **must** be given prior to the vote and be recorded. Members should also be aware that you might have to justify their decision by giving evidence in the event of any appeal or challenge. Failure to do this not only increases the chances of a successful appeal but also exposes the Council to a significant danger of costs being awarded against the Council.

9.4.8 **DO** ensure that the reasons you give for a decision **must** be your reasons. You cannot ask an officer to give the reasons for you. An Officer may assist in the drafting of your reasons.

9.4.9 **DO** remember that Development Control Committees are important hearings. You should, therefore, act and dress accordingly, (i.e. you give a matter due consideration and should not talk between yourselves or use mobile telephones or other mobile devices when a matter is being considered).

10. TRAINING OF MEMBERS

10.1 All Members serving on the Development Control Committee and/or who have any decision making role on planning matters including substitute Members in accordance with the Council's Constitution shall be trained in planning procedures prior to serving on the Committee.

10.2 **DO** not take part in the decision making process at Committee meetings unless you have attended the mandatory planning training prescribed by the Council's Constitution.

10.3 **DO** attend any other specialised training sessions provided, since these will be designed to extend their knowledge of planning law, procedures, Regulations, Codes of Practice and the Development Plan. The training will be devised to assist you in carrying out your role properly and effectively.

10.4 **DO** participate in reviews of a sample of planning decisions referred to in Section [] below to ensure that Members' Judgments have been based on proper planning considerations.

11. THE ROLE OF OFFICERS IN PLANNING MATTERS

11.1 Officers **must** when making decisions on applications:-

11.1.1 Act fairly and openly at all times;

11.1.2 Consider each and every application with an open mind;

11.1.3 Consider all the material planning considerations attaching the appropriate weight to each one;

11.1.4 Avoid any inappropriate contact with the applicants, members and any other interested parties;

11.1.5 Ensure that the reasons for any decision are clearly recorded;

11.1.6 Ensure that the reasons for any decision are sufficient and reasonable and that the recording of such reasons comply with the relevant legislation and guidance in accordance with Article 31 of the Town and Country Planning Development Management Procedure (England) Order 2010 (SI 010/2184), regarding reasons for [approval] and refusal;

11.2 When reporting to a Committee on a planning matter officers **will**:

11.2.1 Provide professional and impartial advice at all times;

11.2.2 Ensure that all the information necessary for a decision by Members is made available to those members;

11.2.3 Ensure that a report includes the substance of all the objections and the views of the consultees;

- 11.2.4 Produce a clear, accurate and objective written analysis of the issues;
- 11.2.5 Make a clear recommendation.
- 11.3 Every planning application file and other files relating to planning matters should contain an accurate assessment of that matter's history. Particular care should be taken with files relating to delegated decisions, which should be as carefully maintained as those files relating to decisions taken by Members.
- 11.4 Any material planning information received after the writing of the report and up to midday of the day of the Committee meeting will be presented orally by officers or be included on an amendment sheet.
- 11.5 The Director of the Urban Environment may, after consulting the Chair of the relevant Development Control Committee, withdraw any item from the agenda of that Committee before that item is discussed by that Committee if the circumstances of an application have changed after the report has been prepared.
- 11.6 Officers have a duty to carry out the decisions of Members even when Members decide a matter against Officer recommendations.

12. DISCUSSIONS REGARDING PLANNING APPLICATIONS

- 12.1 Officers should have regard to the relevant parts of this Code regarding Members' involvement in pre-application or post submission discussions with applicants, supporters or objectors.
- 12.2 In particular, all Officers taking part in such discussions should inform all those present at such discussions that the decision on the particular

application will either be taken by elected Members in a Committee or in specified circumstances by the Director of the Urban Environment by a duly authorised officer of his or her department.

- 12.3 An Officer **must** always take a note of all such meetings. All meeting notes and follow-up correspondence **must** be placed on the relevant file.

13. OFFICERS' DISCLOSURES OF INTEREST

- 13.1 Officers **must not** play any part in the processing of any application where they have, or can be perceived to have, a conflict of an interest. Such interests would include financial or professional interests and the interests of family and friends.

14. HOSPITALITY - OFFICERS

- 14.1 Officer **must not** accept any gift or hospitality from any person or group affected by a planning proposal. Whilst a degree of hospitality may be unavoidable, officer **must** ensure that such hospitality is minimal and its acceptance is declared as soon as is possible.

15. DELEGATION OF DECISION-MAKING

- 15.1 The Development Control Committee is appointed by the Council and the Committee is authorised by its terms of reference to determine all matters which fall within the following categories:-

15.1.1 As a Local Planning Authority.

15.1.2 The highway functions contained in Sections 249, 250, 257, 258 and 259 of the Town and Country Planning Act, 1990

15.1.3 In respect of all matters relating to the Building Regulations.

15.1.4 The implementation of the Council's existing Equal Opportunities' Policy in relation to the Committee's functions.

15.1.5 Authorise the institution of proceedings under Sections 1, 10 and 11 of the Planning and Compensation Act, 1991.

15.2 Other than

15.2.1 The acquisition, disposal or appropriation of land to or from such purposes.

15.2.2 Those aspect of development plans which fall within the terms of reference of other Committees.

15.3 With the terms of reference and subject to the provisions of the Council's Standing Orders and Financial Regulations, the Director of the Urban Environment is delegated to exercise specific powers and duties, as set out and approved by the Council, provided that such exercise does not conflict with a decision taken by the Council or the Committee. The Director of the Urban Environment may refer any matter to the Committee for consideration whether or not it falls within any power which he is authorised to exercise. The Council's Director of Corporate Resources similarly has delegated powers to deal with a specified range of legal matters relating to planning procedures.

15.4 All decisions taken by the Director of the Urban Environment in respect of planning applications and associated matters are recorded and open to audit and inspection.

15.5 The Council has also approved that additional planning applications, not included in the delegated powers given to the Director of the Urban Environment referred to above, be delegated for determination to the Director or the urban Environment, in consultation with the Chair (or Vice Chair as substitute) of the Development Control Committee. This extended delegation provision includes all planning applications other than the following which remain to be determined by the Development Control Committee:-

- 15.5.1 any proposed development which would be an advertised departure from the Development Plan and, in particular, the Black Country Core Strategy, the Unitary Development Plan and any other development plan documents adopted Unitary Development Plan or approved Supplementary Planning Guidance, where the recommendation of the Director of the Urban Environment is to grant planning permission.
- 15.5.2 any proposed development which would have a significant impact outside of its immediate vicinity, e.g. it would generate significant volumes of traffic, noise or atmospheric pollution: or it would have a significant impact on the pattern of trading: or it would be prominent in the landscape, etc.
- 15.5.3 any proposed development which has given rise to a substantial weight of public concern.
- 15.5.4 notwithstanding paragraphs (a), (b) and (c) above, all applications requiring a legal agreement under Section 106 of the Town and Country Planning Act, 1990, and all development that affects the stopping-up, diversion or the creation of highways, where planning permission is required.

15.6 These extended delegations are subject to the following procedural arrangements to ensure that the public interest is safeguarded:-

15.6.1 all applications submitted for delegated decision by the Director of the Urban Environment and the Chair of the Development Control Committee, will be the subject of a full and detailed written report.

15.6.2 there is provision for the Director of the Urban Environment, in consultation with the Chair, to refer any planning application submitted for delegated decision, to the Development Control Committee for its determination.

15.6.3 any member of the Council may request that any planning application be referred to the Development Control Committee for determination, with reasons given for such request.

15.6.4 all decisions taken in respect of planning applications submitted for delegated decision by the Director of the Urban Environment in consultation with the Chair, must be recorded and made available for public inspection.

16. REVIEW OF COMMITTEE DECISIONS

16.1 The public is becoming increasingly aware and concerned about the impact that planning decisions have on the environment and their amenities. However, planning is not an exact science and it relies upon informed judgment by officers and members within a firm policy context.

16.2 The quality and consistency of decision-making is, therefore, a very important element of the planning process. It should be regularly monitored and reviewed and amended when and where necessary.

16.3 The Development Control Committee will undertake, regularly, a sample review of decisions taken. This should include major and minor development, permitted departures, upheld appeals, listed building works and enforcement cases.

16.4 On an annual basis, the Director of the Urban Environment will report to the Development Control Committee on:-

16.4.1 the outcome of applications referred by adjoining planning authorities;

16.4.2 the outcome of authorised enforcement actions;

16.4.3 appeal decisions;

16.4.4 planning obligations (Section 106 Agreements).

17. ACTION TO BE TAKEN BY OFFICERS REGARDING DECISIONS TAKEN CONTRARY TO PROFESSIONAL ADVICE

17.1 In matters where Members have refused an application against an Officer recommendation for approval:

17.1.1 Officers will give their full support to Members and any external witnesses in the preparation of the evidence for any planning inquiry;

17.1.2 Officers will only give evidence themselves in the exceptional circumstances where their Code of Professional Conduct has not been breached or where a hearing is to be held, with no cross examination (and, in this later example, the officer concerned has not been involved with formulating the original recommendation);

17.1.3 Officers will give their full support to Member decisions that are appealed under the written representations procedure.

18. SANCTIONS

18.1 The purpose of this Code is to provide guidance to Members in relation to the performance of the Council's planning function. The application of and adherence to the Code is intended to build public confidence in the Council's planning system and to produce a strong platform for planning decision-making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

18.2 A failure to adhere to the Code gives rise to potential consequences to the Council and individual Members. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct. Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the Planning Committee. Beyond the normal democratic process a number of specific consequences can be identified, namely:-

18.2.1 The Local Government Ombudsman

Although the Local Government Ombudsman will not investigate the balance of argument in any planning decisions she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found injustice has been caused by maladministration in the light of statutory or established Council procedures she/he will recommend redress, which may taken the form of compensation.

18.2.2 Appeals to the Secretary of State

An applicant who has been refused planning permission has a right of appeal to the Secretary of State. If an appeal is successful and it is shown that the Council's conduct in dealing with the matter was unreasonable the appellant's costs may be awarded against the Council. Examples of "unreasonable behaviour" are: failing to follow the Council's policies; no evidence of significant harm; and giving too much weight to local opposition to proposals.

18.2.3 Judicial review

If objectors are convinced that the Council in determining to grant an application did not observe their statutory duties to carry out all necessary procedures, did not base their decision on the development plan and or did not take into account all relevant representations they may apply for Judicial Review of the decision which might result in the decision being quashed. In such circumstances, it would be normal for the costs of the applicant to be awarded against Council.

18.2.4 Powers of the Secretary of State

The Secretary of State possesses a range of powers which could be exercised where a Local Planning Authority appears to make inconsistent decisions or decisions which are seriously in conflict with national and Development Plan Policies. This could involve the greater use of the power to call in applications whereby an application will be determined by the Secretary of State following a Public Inquiry. Where permissions has already been granted by the Council powers exist to revoke or modify permissions or to

require discontinuance of a land use which if exercised would give rise to a liability to compensate on the part of the Council.

18.2.5 **District Auditor**

Each of the above courses of action could result in significant extraordinary costs to the Council. The District Auditor will closely examine these costs. Where it appears to an Auditor that a loss has been incurred or a deficiency caused in the Council's accounts by the wilful misconduct of any person she/he is required to certify that the loss or deficiency is due to that person and it may, therefore, lead to a formal report to Council in accordance with the powers granted to District Auditors under the Local Government Act 2000.

18.3 These are in addition to possible sanctions against individual Members for breach of the Code of Conduct which could include:-

18.3.1 To report on findings to Full Council, i.e. "naming and shaming";

18.3.2 To recommend to a Group Leader that the Member concerned be removed from any Committee or Sub-Committee;

18.3.3 To recommend, in relation to any Members of the Executive that the Member concerned be removed from the Executive;

18.3.4 To recommend the Monitoring Officer to arrange appropriate training for the Member concerned;

18.3.5 To recommend removal of any Member concerned from any outside body appointments;

- 18.3.6 To require the withdrawal of Council facilities, e.g. use of computer or internet;
- 18.3.7 To exclude a Member from the Council's offices or other premises except for the purpose of attending formal meetings.

19. ADDENDUM

R (on the application of Kevin Paul Lewis) v Persimmon Homes Teesside Ltd [2008] EWCA Civ 746 (Court of Appeal) recognises *“that Councillors are not in a judicial or quasi-judicial position but are elected to provide and pursue policies. Members of a Planning Committee would be entitled and indeed expected to have and to have expressed views on planning issues”* Pill LJ at paragraph 69.

“ ... there is no escaping the fact that a decision-maker in the planning context is not acting in a judicial or quasi-judicial role but in a situation of democratic accountability. He or she will be subject to the full range of judicial review, but in terms of the concepts of independence and impartiality, which are at the root of the constitutional doctrine of bias, whether under the European Convention of Human Rights or at common law, there can be no pretence that such democratically accountable decision-makers are intended to be independent and impartial just as if they were judges or quasi-judges. They will have political allegiances, and their politics will involve policies and these will be known”. Rix LJ at paragraph 94.

APPENDIX 1

1. OVERTURN FROM OFFICER RECOMMENDATION OF REFUSAL TO APPROVAL

1.1 Members should clearly identify and understand the planning reasons leading to this conclusion and should specify the planning reasons for approval during the debate.

1.2 At the time the motion for approval is moved, Members should specify the planning reasons upon which the motion for approval is based to ensure that all Members are clear as to the basis for their vote.

1.3 The decision by Members is an 'in principle' only decision at this time. For example, Members support the application subject to conditions:-

1.3.1 that delegated authority is resolved to be given to officers to prepare conditions and (where necessary) Section 106 obligations and issue the decision notice **OR**

1.3.2 delegated authority is given to Officers to draft conditions to be considered by the next available Development Control Committee **OR**

1.3.3 the Committee approves the delegation to draft conditions in consultation with the Chair of the Committee.

2. OVERTURN FROM OFFICER RECOMMENDATION OF APPROVAL TO REFUSAL

- 2.1 The Member moving the motion for refusal must clearly state the reasons for refusal as part of the debate. These reasons must be planning reasons.
- 2.2 The Planning Officer to advise on whether or not these are relevant planning refusal reasons prior to the vote.
- 2.3 The Planning Officer can (if required) summarise the reasons for refusal before the vote is taken to ensure that all Members are clear as to the basis for their vote.
- 2.4 On being put to the vote, the Member moving the motion should re-state the reasons for refusal.
- 2.5 If the vote is successful the reasons given by the Committee shall form the basis of the refusal notice issued.

3. DEVELOPER SELECTION PROTOCOL

- 3.1 This Protocol applies where the Council is not funding the project but is seeking a partner for a major initiative in the Borough area in terms of scale and/or importance which is intended to deliver on one or more of the Council's policies or plans.
- 3.2 It should be noted that major projects such as these are unique and require an individual approach.
- 3.3 In all cases procurement should follow the procedure contained in Contract Standing Orders for a contract with an estimated contract value of over £100,000. The method of selection should be appropriate to the nature and size of the project but would normally be Public Advertisement following by the Select List Method.

- 3.4 At the commencement of the project the appropriate Director shall carry out a full assessment of the resources required and whether any external consultants are required. In particular, the Director shall satisfy himself that adequate project management arrangements are in place.
- 3.5 The Director shall involve the Head of Purchasing and Procurement in all project where the estimated value of the project (irrespective of the source of funding) exceeds £2 million.
- 3.6 Before bids are invited the Director should prepare a comprehensive development brief containing SMART targets and including details of the Council's aspirations for the project and a detailed statement of the range of outcomes that the Council require. The project brief should also expand upon the Council's aspirations for the outcomes of the project by detailing the type and scale of the project. The project brief shall be approved by the Council and have member involvement in its production.
- 3.7 Also, at the outset, the Director shall produce evaluation criteria to be clearly set out in two matrices relating to the suitability/benefits of the proposal with specific regard to the Council's objectives as set out in the project brief, and the capability of the partner. The criteria shall be properly weighted and lodged with the Chief Executive.
- 3.8 There must be a clear timetable to be set for submission of schemes, submission of questions and replies, the holding of interviews and the evaluation of bids. All questions shall be submitted in writing to a nominated officer and copies of all questions and replies sent to all prospective partners.
- 3.9 It shall be a requirement that each prospective partner shall submit detailed information in order to demonstrate financial viability and indicate any

requirements for external and Local Authority resources that may be targeted.

- 3.10 Each prospective partner must also provide a credible and sound business plan to deliver the project within a stipulated timescale.
- 3.11 The evaluation panel shall comprise officers only, of a suitable seniority and experience, who may be supported by any external consultants and/or stakeholders, as appropriate.
- 3.12 There shall be a detailed and comprehensive evaluation of each submission in accordance with the evaluation criteria when selecting a preferred bidder. The selection panel shall consider whether a reserve preferred bidder shall be nominated.